

Montana

FFY 2005-2010

State Performance Plan

Division of Special Education



Revised January 2009

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* This denotes that this is a new performance indicator for which baseline data will need to be collected.

Acronyms

ADC	Annual Data Collection
AMO	Annual Measurable Objectives
APR	Annual Performance Report
ARM	Administrative Rule of Montana
AYP	Adequate Yearly Progress
CCD	Common Core of Data
CRT	Criterion-Referenced Test
CSPD	Comprehensive System of Personnel Development
CST	Child Study Team
EAP	Early Assistance Program
ESEA	Elementary and Secondary Education Act
FAPE	Free Appropriate Public Education
FFY	Federal Fiscal Year
GED	General Education Development Test
GSEG	General Supervision Enhancement Grant
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan
IHE	Institutions of Higher Education
IHO	Independent Hearing Officer
LEA	Local Education Agency
LRE	Least Restrictive Environment
MAIDPG	Montana American Indian Dropout Prevention Grant
MBI	Montana Behavioral Initiative
MCA	Montana Code Annotated
MPRRC	Mountain Plains Regional Resource Center
NCCRESt	National Center for Culturally Responsive Educational Systems
NCES	National Center for Education Statistics
NCLB	No Child Left Behind
NCSEAM	National Center Special Education Accountability Monitoring
NECTAC	National Early Childhood Technical Assistance Center
NGA	National Governors' Association
OPI	Office of Public Instruction
OSEP	Office of Special Education Programs
PLUK	Parents, Let's Unite for Kids
PTI	Parent Training Information
RFP	Request for Proposals
SERIMS	Special Education Records and Information Management System
SIS	Student Information System
SPP	State Performance Plan
SWD	Students with Disabilities
TA	Technical Assistance
USC	United States Code

Montana

State Special Education Advisory Panel

On November 17 and 18, 2005, the Special Education Advisory Panel met to provide public input to the Montana Office of Public Instruction on its State Performance Plan. The meeting of the Panel was facilitated by John Copenhaver of the Mountain Plains Regional Resource Center and Robert Runkel, State Director of Special Education. Each of the performance indicators was reviewed. This review included a review and discussion of baseline data, improvement activities, timelines and resources and the development of rigorous performance targets. The Panel took action on each of the performance indicators and its corresponding targets. Each of the targets contained in the State Performance Plan have been unanimously approved by the Panel.

We the undersigned members of the State Special Education Advisory Panel agree and endorse the Montana State Performance Plan for 2005-2010.

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Chairperson

WyAnn Northrop

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Date 11/18/2005

Part B State Performance Plan (SPP) for 2005-2010

Introduction

The Part B State Performance Plan of the Individuals with Disabilities Education Act (IDEA) describes how Montana will work to continually improve the implementation of special education and related services to children with disabilities. Each state must have in place a performance plan that evaluates the state's efforts to implement the requirements and purposes of Part B and describe how the state will improve such implementation. This plan is called the Part B State Performance Plan (SPP). The SPP is submitted for approval to the United States Secretary of Education consistent with requirements in 20 U.S.C. 1416 (b).

The SPP is the foundation of the state's special education accountability system. Performance indicators established by the United States Secretary of Education quantify and prioritize outcome indicators for special education. Each of the 20 indicators has established performance targets for each of the next six years. In accordance with 20 U.S.C. 1416(b)(C)(ii) the state shall report annually to the public on the performance of each local educational agency located in the state on the targets in the state's performance plan. The state shall report annually to the United States Secretary of Education on the performance of the state under the state's performance plan. **Any revisions to this Plan will appear in bold print.**

Overview of the State Performance Plan Development

The Office of Public Instruction (OPI) began its work on the development of the State Performance Plan in September 2005 by collecting the required data for each of the performance indicators and establishing a timeline for data analysis, plan development and the involvement of its stakeholders.

In preparing its Performance Plan, the Office of Public Instruction conducted a self-assessment which incorporated an analysis of the state's performance on each of the 20 performance indicators. In those cases in which an indicator was identified as a new indicator by the Office of Special Education Programs (OSEP), the OPI held discussions, reviewed information provided from technical assistance centers, and participated in teleconference calls with the Mountain Plains Regional Resource Center (MPRRC) and the OSEP to plan strategies and procedures for future data collection and analysis. Baseline data and targets for the new indicators (indicated by a *) will be reported as a part of the state's Annual Performance Report (APR) in February 2007.

Data from school year 2004-2005 (state fiscal year 2005) was used as baseline data for each of the performance indicators with the exception of dropout and graduation. Data from the 2003-2004 school year was used for the dropout and graduation data because verification for the 2004-2005 annual data collection was not completed at the time of this plan's submission.

The Montana Office of Public Instruction's, Division of Special Education staff analyzed data collected from child count and the monitoring and complaints tracking systems and worked cross divisionally with other OPI personnel to prepare a draft of the State Performance Plan (SPP) for review and input from the State Special Education Advisory Panel and members of the state council for Montana's Comprehensive System of Personnel Development (CSPD). The State Special Education Advisory Panel and state CSPD council are composed of a broad representation of stakeholders: parents of children with disabilities, individuals with disabilities, individuals representing regular and special education teachers and related services personnel, institutions of higher education, school administrators, agencies and businesses serving individuals with disabilities and juvenile corrections. In November 2005, John Copenhaver, Director of the Mountain Plains Regional Resource Center (MPRRC), facilitated a meeting with the State Special Education Advisory Panel for the purposes of discussing the plan draft and to determine appropriate and

rigorous targets for each of the performance indicators. The state council for the Comprehensive System of Personnel Development (CSPD) also met in November to review the plan draft and to provide input on improvement strategies. Revisions to the SPP draft were made following receipt of input from the panel and state CSPD Council. This document reflects recommendations and revisions suggested by its stakeholders. In its November 18, 2005, meeting, the State Special Education Advisory Panel endorsed the State Performance Plan and each of its targets for the 20 performance indicators. Subsequent to the November 18, 2005, Advisory Panel meeting, the OPI consulted with OSEP on the interpretation of performance indicator #3. Performance targets for #3A were revised following the discussion with OSEP and with the support of the members of the Special Education Advisory Panel.

Measurable Performance Indicators are grouped under each of the three monitoring priority areas as follows:

- I Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)
- II Disproportionality
- III Effective General Supervision Part B

On January 17-18, 2008, the Montana Special Education Advisory Panel met and discussed progress data and improvement activities for Performance Indicator #7, Preschool Outcomes, and baseline data, targets and improvement activities for Performance Indicator #14, Post-School Outcomes. The recommendations of the Panel for these indicators, as well as other recommendations they made for revisions to the State Performance Plan, have been incorporated into the January 2008 Revised State Performance Plan document.

Through stakeholder involvement, Montana has set rigorous and statistically sound standards for its targets under each performance indicator. To ensure statistically sound data, a minimum number (N) and/or confidence interval was applied where appropriate. The necessity of applying a statistical analysis and a minimum N to certain targets was due to exceptionally small sample sizes. A minimum number large enough to provide both valid and reliable target determinations was set for certain target indicators. The use of the confidence intervals is intended to improve the validity and reliability of target determinations by reducing the risk of falsely identifying the state as having failed to meet its target, based on measurement/sampling error. False negative target determinations can wrongly focus limited resources and undercut public support for accountability.

Montana is considered a frontier state with an exceptionally low-density population. Total public school enrollment is under 150,000 students with a special education Child Count of fewer than 20,000 students. Fifty six percent of our schools have fewer than 100 students enrolled. Eighty-four percent of Montana's districts are eligible under the Small, Rural School Achievement Program (SRSA). As a result of small sample sizes, confidence intervals with a minimum N large enough to provide both valid and reliable target determinations were set for the purpose of ensuring statistically sound determinations.

A copy of this State Performance Plan is available to the general public on the Office of Public Instruction's Web site at www.opi.mt.gov/speced. In addition, an electronic announcement was sent to LEA administrators, directors of special education and the parent information and training center, Parents, Let's Unite for Kids (PLUK), which provided basic information on the State Performance Plan, as well as a link to the document on the OPI's Web site. Hard copies of the plan were sent to directors of special education and a news release was sent to newspapers statewide, providing basic information on the plan, as well as where the general public could view the plan.

SPP Template – Part B (3)

Montana
State

The OPI will submit an Annual Performance Report (APR) to OSEP in accord with designated timelines. The Annual Performance Report will include information on the progress the OPI is making toward its performance targets, as well as information on LEAs' performance relative to the state's performance indicators. A copy of the APR will be made available to the public on the OPI Web site.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the state graduating with a regular diploma.

[20 U.S.C. 1416 (a)(3)(A)]

Overview of Issue/Description of System or Process

Montana's goal is for all children with disabilities to receive free appropriate public education (FAPE) in the least restrictive environment that promotes high-quality education and prepares them for employment and independent living, as evidenced by measurable, continuous progress in academic skills and continuous successful participation in school resulting in increased graduation and decreased dropout rates, inclusion in statewide assessments, and the ability to make successful school-to-adult transitions.

Montana does not implement a state test to determine a student's eligibility for graduation. Rather, Montana has established specific credit requirements in content area curriculums aligned with state curriculum standards. Furthermore, all students with disabilities who graduate from high school must be awarded a diploma. The Board of Public Education's Standards for Accreditation, Administrative Rule of Montana (ARM)10.55.805 (4) states:

A student who has successfully completed the goals identified on an individualized education program for high school completion shall be awarded a diploma.

In accord with Montana's Consolidated State Application Accountability Workbook, an 80 percent graduation rate has been established as the target for all students. Recognizing the gap in graduation and student dropout rates for students with disabilities and in an effort to achieve this standard for students with disabilities, Montana provides extensive training for school personnel through its Comprehensive System of Personnel Development (CSPD). In addition, the OPI contracts with individuals who serve as transition coaches and provide direct technical assistance to LEAs on strategies for the development of coordinated and measurable goals and transition services to enable students with disabilities to have meaningful educational programs and to meet their post-secondary goals. The OPI works with other state agencies to help ensure the coordination of services for students with disabilities. Involvement with activities such as the National Governors' Association (NGA) Policy Academy is a tool for developing a coordinated informed state system which creates mechanisms to ensure that all high school students connect to appropriate adult services. Through collaboration with projects such as the Montana Youth Leadership Program and the Equity for Young Women with Disabilities project, students with disabilities are provided opportunities to learn leadership and self-advocacy skills which assist them as they plan their post-secondary goals.

Because the graduation rate for American Indian students is significantly lower than the graduation rate of all students, the OPI applied for and was awarded a dropout prevention grant. The Montana American Indian Dropout Prevention Grant (MAIDPG), funded through the U.S. Department of Education, assists American Indian students in graduating from high school by implementing a research-based design at the state level and in six demonstration schools. The following schools are participating: Box Elder, Browning, Heart Butte, Lame Deer, Poplar and Rocky Boy. The goal of the MAIDPG is to graduate American Indian students at the same rate as their non-Indian peers and to reduce the dropout rate to parity with all other

Montana students. It is still too early to determine the impact of this grant on reducing dropout rates in the participating schools.

Under Montana's Five-Year Comprehensive Educational Planning process, all LEAs are required to include dropout and graduation data for the general education student population and for the students with disabilities populations as part of the self-assessment process. In addition, high schools in Montana use graduation rate data as a secondary indicator for determining Adequate Yearly Progress (AYP) under the No Child Left Behind (NCLB) Act requirements. The OPI's special education Focused Intervention process also uses dropout and graduation data as key indicators of LEA performance under the IDEA. The LEAs are selected for intervention based in part on graduation and dropout data. All of these requirements have led LEAs to examine more closely the issues surrounding dropout prevention at the district level.

The OPI provides training and assistance to LEAs to support their efforts to increase graduation rates and decrease student dropout rates. The IDEA Part B set-aside funds, Personnel Preparation Grant funds, and other funding sources, such as Title I and the GEAR UP Grant, support activities to assist schools with their efforts in these areas. The Montana Behavioral Initiative (MBI) has been instrumental in assisting schools in improving student climate. The MBI is a comprehensive staff development venture created to improve the capacities of schools and communities to meet the diverse and increasingly complex social, emotional and behavioral needs of students. The initiative assists educators and community services personnel to develop the attitudes, skills and systems necessary to help each student leave public education with the social competence needed to succeed in society and the work place. The MBI provides training to school personnel on how to identify priority concerns, particularly those involving school violence, and to teach, encourage and recognize those behaviors which constitute acceptable alternatives.

Transition coaches funded with Part B set-aside funds provide direct technical assistance to school personnel on the development of coordinated transition plans for students with disabilities as a means of preparing them for an effective transition into post-school activities. The *We Teach All* project, which provides training on differentiated instruction, provides ongoing training and support to LEAs, LEA teams, and individual staff members on strategies to improve student outcomes. The intent of these projects is to provide a safe welcoming environment for the student that includes supports, appropriate instructional methodologies for all students, and coordinated transition plans for students with disabilities that engage them and increase the likelihood that they will graduate. Programs at the elementary and middle school/junior high school levels that target student achievement (Reading First/Early Reading, etc.) will provide a positive impact and lead to a decrease in dropout rates and an increase in graduation rates over time.

As a part of its general supervision activities, the OPI conducts student record reviews to ensure LEAs, as a part of their IEP procedures, develop coordinated transition plans for age-appropriate students. In addition, the OPI provides funding to the parent information and training center, Parents, Let's Unite for Kids (PLUK), to support parent information and training on issues such as transition planning, parental rights, behavioral supports and IEP development.

Measurement:**Data Sources:** Annual Data Collection (ADC)

Special Education Exiting Data/618

Following is a detailed explanation of how graduation measures were calculated.

Currently, Montana conducts two separate graduate data collections. One of the collections is specifically for students with disabilities and the other is a non-disaggregated count of all students (General Education). The following describes both data collection processes, definitions applied to determine graduates, and formulas for calculating completion and graduation rates.

Data Collection Process for General Education Graduates

On October 1 each year, schools report graduate data for all high schools by gender and race/ethnicity categories for the previous school year. This count of graduates includes students with disabilities and can not be disaggregated. For the purpose of this data collection process, graduates are defined as follows:

Graduates are a count of individuals who:

1. completed the high school graduation requirements of a school district, including early graduates, during the previous school year, *or*
2. completed the high school graduation requirements of a school district at the end of summer prior to the current school year.

General Education Development Test (GED) recipients **are not** counted as graduates.

Data Collection Process for Special Education Graduates

On June 30 each year, schools report graduate data for students with disabilities, ages 14-21, as part of a larger data collection process. The Special Education Exiting data collection is for students with disabilities *exiting special education during the previous 12-month period*. For purposes of this data collection process, graduates are defined as follows:

Graduates are the count of students with disabilities who:

have exited the educational program through receipt of a high school diploma identical to that for which students without disabilities are eligible. These students met the same standards for graduation as those for students without disabilities or met the standards for graduation as determined by their IEP team.

General Education Development Test (GED) recipients **are not** counted as graduates.

Completion Rate Calculation used for General Education

Montana has adopted the National Center for Education Statistics (NCES) cohort method as a practical way to calculate a completion rate for general education students. The estimated cohort method utilizes both dropout and graduate data and can be calculated for all accredited schools using data from four consecutive years. This method is the adopted method that Montana uses for assessing graduation rates in the AYP determinations for the No Child Left Behind Act (NCLB).

$$\text{Completion Rate} = g_t / (g_t + d^{12}_t + d^{11}_{(t-1)} + d^{10}_{(t-2)} + d^9_{(t-3)}) \times 100$$

Where:

- g = number of graduates receiving a standard high school diploma
- t = year of graduation
- d = dropouts
- 12, 11, 10, 9 = grade level

Example: The 2002-2003 Completion Rate for Montana High Schools = 10,657 Graduates for Class of 2003 divided by (10,657 Graduates for the Class of 2003 and 1,920 students dropped out over four years for a total of 12,577) multiplied by 100 = 79.6%.

Completion Rate Calculation used for Special Education

The *leaver graduation rate*¹ is an estimation of the status graduation rate that utilizes a cohort method to measure the proportion of students who, at some point in time, completed high school. This is similar to the graduation rate being proposed by NCES using the Common Core Data and what is being used to calculate the completion rates for general education.

The *leaver graduation rate* is calculated by dividing the number of graduates, ages 14-21+, in year A by the sum of the total school leavers (diploma + certificate + dropouts + reached maximum age). The formula looks like this:

Leaver Graduation Rate =

$$\frac{G_{YA:14-21+}}{(G_{YA:14-21+} + C_{YA:18+} + C_{YA-1:17} + C_{YA-2:16} + C_{YA-3:15} + C_{YA-4:14} + DO_{YA:18+} + DO_{YA-1:17} + DO_{YA-2:16} + DO_{YA-3:15} + DO_{YA-4:14} + MA_{YA:18+} + MA_{YA-1:17} + MA_{YA-2:16} + MA_{YA-3:15} + MA_{YA-4:14})} \times 100$$

Where:

G = Graduated with regular diploma

C = Certificate recipients

DO = Dropouts

MA = Students who reached the maximum age without receiving a diploma or certificate

Y_A = Year A

Y_{A-1} = Year A-1

Y_{A-2} = Year A-2

Y_{A-3} = Year A-3

Y_{A-4} = Year A-4

Example: The 2002-2003 Completion Rate for students with disabilities = 759 students with disabilities graduating for Class of 2003 divided by (759 Graduates for the Class of 2003 + 307 students with disabilities exiting school over four years for a total of 1,066) multiplied by 100 = 71.2%.

¹ Westat. 1999. *Calculating Graduation and Dropout Rates: A Technical Assistance Guide*. December 1999. Contract #HS97020001.

Baseline Data for FFY 2004 (2004-2005 School Year)

Table 1.1 below presents baseline data for FFY 2004 (2004-2005 school year). The data provides a comparison between the graduation rates of students with disabilities, ages 14-21, and graduation rates for general education, grades K-12.

Table 1.1 Montana Graduation Rates for School Year 2004-2005

School Year	Graduate Count for General Education ¹	Completion Rates for General Education	Graduate Count for Special Education ²	Completion Rates for Special Education
2004-2005	10335	85.9%	944	74.0%
¹ General education graduate counts are reported on October 1st annually through the OPI Annual Data Collection. This count includes students with disabilities and can not be disaggregated. ² Special education graduate counts are reported on June 30th annually as part of the end of year special education data collection.				

TREND DATA**Table 1.2 Montana Graduation Rate Comparison by School Year**

School Year	Graduate Count for General Education ¹	Completion Rates for General Education	Graduate Cnt for Special Education ²	Completion Rates for Special Education
2001-2002	10554	84.1%	765	73.5%
2002-2003	10657	84.7%	769	71.5%
2003-2004	10500	84.2%	811	69.9%
2004-2005	10335	85.9%	944	74.0%
¹ General education graduate counts are reported on October 1st annually through the OPI Annual Data Collection. This count includes students with disabilities and can not be disaggregated. ² Special education graduate counts are reported on June 30th annually as part of the end of year special education data collection.				

Discussion of Baseline Data

At this time, Montana does not have an electronic state student information system (SIS) which collects student demographic data in such a manner to ensure the data collection process is valid and reliable. However, the OPI has announced an RFP for a student information system, data warehouse and special education records and information management system (SERIMS). It is anticipated that this system will be fully operational in the 2008-2009 school year. When in place, the system will allow the OPI to collect student-level data, thereby increasing the reliability, consistency, and validity of longitudinal analysis. When the system is fully operational, the OPI will review performance data with the Special Education Advisory Panel to determine if there is need to re-establish a baseline for graduation and dropout rates and revise targets for the graduation and dropout performance indicators, if appropriate.

Based on the best data that is currently available, initial comparisons of the graduation rates of students with disabilities to the graduation rate of the general education count indicate that there is a 11.9 percent gap between the graduation rates of the general student population and the population of students with disabilities. The graduation rate for students with disabilities is 74.0 percent (see Table 1.1 above), while the graduation rate for the general student population is 85.9 percent. Analysis of trend data (see Table 1.2 above) also indicates that the graduation rates for students with disabilities are consistently lower than the rates for the general education count. Further, there is an indication that the graduation rates for both the general education count and students with disabilities have increased for FFY 2004. The greatest increase in graduation rates has occurred for students with disabilities. From 2001-2002 through 2003-2004 there was an average annual decline in graduation rate for students with disabilities of approximately 1.7 percent while the 2004-2005 data indicates an increase of 4.2 percent from the previous year. Because student-level data is not available at this time, it's not possible to conduct an in-depth analysis to determine what factors may have led to the significant change in the data. It was noted that the total number of special education students who graduated in 2004-2005 was an increase of 16.4 percent from the previous year. It is unknown whether the current increase is a reflection of a real trend or a result of a single-year anomaly.

Measurable and rigorous targets were developed based on the analysis of the trend data. The best available trend data indicates a steady decline of approximately 1.7 percent per year in the graduation rate of students with disabilities with a significant spike at the end of the fourth year. Although the FFY 2004 data suggest an increase in the graduation rate of students with disabilities, the trend-line data suggests that 2004-2005 data is more likely to be an anomaly and Montana will face a significant challenge in turning the trend around and showing continuous improvement. Therefore, stakeholders have indicated that it is reasonable to expect that, for the near term, a downward trend should be expected and caution be used when using 2004-2005 data as baseline because this is very likely a one-year spike and, therefore, an anomaly. This is not unlikely in a state with a small student population. As intervention strategies are applied, the expectation is that in the third year the decline should be halted and in subsequent years the rate of graduation should begin to show a gradual increase such that by the 2010 school year, the rate of graduation should exceed the graduation rate for the 2004-2005 school year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, the graduation rate for students with disabilities will decrease to 69.9% within a 95% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, the graduation rate for students with disabilities will be maintained at 69.9% within a 95% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, the graduation rate for students with disabilities will increase to 70.% with a 95% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, the graduation rate for students with disabilities will increase to 71.5% within a 95% confidence interval.
2009 (2009-2010)	Given a minimum N of 10, the graduation rate for students with disabilities will increase to 73% within a 95% confidence interval.
2010 (2010-2011)	Given a minimum N of 10, the graduation rate for students with disabilities will increase to 74.5% within a 95% confidence interval.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Conduct data analysis comparing data collected through current collections and the statewide data system (SERIMS) to ensure validity and reliability of SERIMS data.	Beginning in the 2008-2009 school year.	OPI Staff /Contractors
Provide a conference focusing on Gifted and Talented Native Americans	Spring 2006-Completed	AGATE
Maintain/implement activities described in the American Indian Dropout Prevention grant	Completed 06-07	OPI Staff School/Family Tribal Community Collaborations Montana Wyoming Indian Education Association Interagency Coordinating Council for Prevention Programs
Through the Montana Behavioral Initiative (MBI) provide training to LEA staff regarding improving school climate, instructional techniques, and implementing schoolwide approaches to positive	Ongoing	CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana./DERS Department of Emergency Services

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<p>behavioral intervention and support.</p> <p>Through the Montana Behavioral Initiative (MBI) Youth Days, provide training to youth in character education and service learning.</p>	Ongoing	<p>CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana./DERS Department of Emergency Services</p>
<p>Provide professional development opportunities to enhance LEAs' knowledge and implementation of effective strategies to improve graduation rates.</p>	Ongoing	<p>National Dropout Prevention Center OPI Staff MPRRC National Technical Assistance Centers SPDG CSPD</p>
<p>Work with the parent training/information center, PLUK, to identify ways to encourage more parent involvement in the education of their children</p>	Ongoing	<p>PLUK Region V CSPD OPI Staff</p>
<p>Continue to provide professional development, technical assistance and support to LEAs in the development of transition services as a part of students' IEP.</p>	Ongoing	<p>OPI Staff Contracted personnel MPRRC CSPD NSTTAC</p>

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the state dropping out of high school.

[20 U.S.C. 1416 (a)(3)(A)]

Overview

The OPI's special education Focused Intervention process uses dropout data as one of its key indicators of LEA performance under the IDEA. The LEAs are selected for intervention based in part on dropout data. Consequently, LEAs have begun to examine more closely the issues surrounding dropout prevention at the district level. The OPI has continued to provide technical assistance and ongoing assistance to districts through its CSPD and through other resources such as Title I and GEAR UP. Programs such as the Montana Behavioral Initiative (MBI), the Transition Outcomes Project, and *We Teach All* provide ongoing training and support to LEAs, district teams, and individual staff members on strategies to improve student outcomes. The intent of the programs is to provide a safe welcoming environment for the student that includes supports, appropriate instructional methodologies for all students, and coordinated transition plans for students with disabilities that engage students and increase the likelihood that they will graduate. Programs at the elementary and middle school/junior high school levels that target student achievement (Reading First/Early Reading, etc.) should continue to lower dropout rates and increase graduation rates for all students as those participating in these programs progress through high school.

In 1999, the Montana Legislature passed into law MCA 20-1-501, "Indian Education for All." One of the intended outcomes of this legislation is to improve the education experience of Indian students in Montana. The OPI is working with LEAs across the state to not only improve the achievement of Indian students but also to decrease their dropout rates.

As a part of the OPI's compliance monitoring procedures, it conducts student record reviews to ensure students have, as appropriate, coordinated transition activities incorporated into their IEPs. The IEP reviews also include a review of records for students who have been suspended or expelled. Such reviews help to ensure that districts are implementing positive behavior supports, as well as appropriate procedures to assist students to remain in school.

Projects identified in the overview under performance indicator #1, such as the Montana Behavior Initiative, *We Teach All*, Transition Coaches, Early Reading/Reading First and Early Intervening Services, are all intended to provide the instructional supports to assist students in successfully completing high school and reducing the dropout rate.

Measurement:

Data Sources: Annual Data Collection

Special Education Exiting Data/618

Following is a description of the data collection and calculation of students with IEPs who have dropped out of school in comparison to data for students without disabilities.

Overview of Issue/Description of System or Process

Currently, Montana conducts two separate dropout data collections. One collection is for students with disabilities and the other data collection is for all students (general education) and includes students with disabilities. The following describes both data collection processes, definitions applied to determine dropouts, and formulas for calculating dropout rates.

Dropout Data Collection Process and Definitions for General Education

Montana school districts report an aggregated count of dropouts on October 1 each year. This count is part of the National Center for Education Statistics (NCES) Common Core of Data (CCD) reporting. The count includes students with disabilities. The count cannot be disaggregated. Therefore, the general education dropout rate is considered a dropout rate for all youth within the district that have dropped out of school. It is an event rate, a snapshot of the student body at the start of each school year to count dropouts for the previous school year. A student present in the school system on October 1 is not a dropout even if he or she was absent from school much of the previous school year.

For purposes of reporting dropouts for this data collection, the NCES data collection data definitions are used. This data definition defines a general education dropout as a student who:

- Was enrolled in school on the date of the previous year October enrollment count or at sometime during the previous school year and was not enrolled on the date of the current school year October count; or
- Was not enrolled at the beginning of the previous school year, but was expected to enroll and did not re-enroll during the year (“no show”) and was not enrolled on the date of the current school year October count; and
- Has not graduated from high school or completed a state- or district-approved high school educational program; and
- Has not transferred to another school, been temporarily absent due to a school-recognized illness or suspension, or died.

Two exiting categories included in the dropout definition for the NCES CCD data collection are: moved, not known to be continuing and reached maximum age. For purposes of the IDEA data collection, these two categories are not counted as dropped out.

General Education Formula

Dropout Rates are calculated by dividing the number of dropouts as defined above, grades 7-12, by the number of students, grades 7-12, reported on the October enrollment data collection.

$$\text{Number of dropouts, grades 7-12} / \text{Number of students enrolled, grades 7-12}$$

Dropout Data Collection Process and Definitions for Special Education

Montana’s collection of special education dropout data is a **separate** data collection from the NCES CCD data collection for school population dropouts. The special education dropout collection is part of a larger collection of exiting data as required by the U.S. Department of Education, Office of Special Education Programs. The reporting period for special education dropout data is July 1 through June 30 of the reporting year. This is a status count in which the student’s status at the end of the reporting year is used to

determine whether that student is a dropout. For purposes of reporting special education dropouts for this collection, the following definition is used:

For the Exiting data collection, a dropout is a student with disabilities who:

- Was enrolled at some point in the reporting year and was not enrolled at the end of the reporting year; and
- Did not exit through any other basis described (*no longer receiving special education, graduated with diploma, reached maximum age, died, moved, known to be continuing*).

This count includes runaways, GED recipients, expulsions status unknown, moved not known to be continuing, and other exiters. It is important to note that in Montana, students must be out of school (not enrolled) for at least 90 days before they take the GED test and, therefore, are reported as dropouts. It is likely that a large percentage of GED students are students with disabilities. If GED students were considered enrolled in school, as is the case in some other states, the percentage of students with disabilities reported as dropouts in Montana would probably be less.

Special Education Formula

Dropout Rates are calculated by dividing the number of special education dropouts as defined above, ages 14-21, by the number of students with disabilities, ages 14-21, reported on the December 1 child count.

Number of special education dropouts, ages 14-21 / Number of students with disabilities reported on Child Count, ages 14-21

Baseline Data for FFY 2004 (2004-2005 School Year)

Table 2.1 below presents baseline data for FFY 2004 (2004-2005 School Year). The data provide a comparison between the dropout rates of student with disabilities, ages 14-21 and general education, grades K-12.

Table 2.1 Montana Dropout Rates for School Year 2004-2005

School Year	General Education Dropout Count, Grades 7-12 ¹	General Education Enrollment, Grades 7-12 ²	General Education Dropout Rate ³	Special Education Dropout Count, Ages 14-21 ⁴	Special Education Child Count, Ages 14-21 ⁵	Special Education Dropout Rate ⁶
2004-2005	1665	72249	2.3%	455	6484	7.0%
¹ General Education Dropout Count, grades 7-12, includes student with disabilities and can not be disaggregated. The count is taken on October 1st annually as part of OPI's Annual Data Collection. ² General Education Enrollment includes all students enrolled, grades 7-12. This includes students with disabilities and can not be disaggregated. Enrollment is reported on October 1st each year. ³ General Education dropout rate formula: Total number of general education dropouts divided by the number of students enrolled in grades 7-12. ⁴ Special Education Dropout Count, ages 14-21, are reported on June 30th annually as part of OPI's Special Education Exiting Data Collection. ⁵ Special Education Child Count includes students with disabilities, ages 14-21, as reported on the December 1st child count. ⁶ Special Education dropout rate formula: Total number of special education dropouts divided by the number of students reported on the December 1st child count, ages 14-21.						

Table 2.2 Summary of School District Dropout Rate Review

School Year	School Districts Responsible ¹	School Districts Meet Target or Making Progress ²	Percent of School Districts Meeting Target or Making Progress
2001-2002	72	67	93.1%
2002-2003	71	66	93.0%
2003-2004	75	74	98.7%
2004-2005	82	73	89.0%

¹ School districts serving students with disabilities who reported special education dropouts, ages 14-21.

² Count of school districts reporting special education dropouts, ages 14-21, who have met the target of no statistically significant difference in dropout rates as compared to general education dropout rates at the .05 significance level or are making progress in decreasing their special education dropout rates.

TREND DATA

Table 2.3 Montana Dropout Rate Comparison by School Year

School Year	General Education Dropout Count, Grades 7-12 ¹	General Education Enrollment, Grades 7-12 ²	General Education Dropout Rate ³	Special Education Dropout Count, Ages 14-21 ⁴	Special Education Child Count, Ages 14-21 ⁵	Special Education Dropout Rate ⁶
2001-2002	2022	73797	2.7%	321	6159	5.2%
2002-2003	1872	73536	2.5%	325	6294	5.2%
2003-2004	1737	72736	2.4%	332	6341	5.2%
2004-2005	1665	72249	2.3%	455	6484	7.0%

¹ General Education Dropout Count, grades 7-12, includes student with disabilities and can not be disaggregated. The count is taken on October 1st annually as part of OPI's Annual Data Collection.

² General Education Enrollment includes all students enrolled, grades 7-12. This includes students with disabilities and can not be disaggregated. Enrollment is reported on October 1st each year.

³ General Education dropout rate formula: Total number of general education dropouts divided by the number of students enrolled in grades 7-12.

⁴ Special Education Dropout Count, ages 14-21, are reported on June 30th annually as part of OPI's Special Education Exiting Data Collection.

⁵ Special Education Child Count includes students with disabilities, ages 14-21, as reported on the December 1st child count.

⁶ Special Education dropout rate formula: Total number of special education dropouts divided by the number of students reported on the December 1st child count, ages 14-21.

Discussion of Baseline Data

Data Limitations:

At this time, Montana does not have a state student information system (SIS) which collects student demographic data in such a manner to ensure the data collection process is valid and reliable. The OPI has announced an RFP for a student information system, data warehouse and special education records information management system. It is anticipated that this system will be fully operational in the 2008-2009 school year. When in place, the system will allow the OPI to collect student-level data, thereby increasing the reliability, consistency, and validity of longitudinal analysis. When the system is fully operational, the OPI will review performance data with the Special Education Advisory Panel to determine the need to re-establish a baseline for graduation and dropout rates and revise targets for the graduation and dropout performance indicators as appropriate.

When analyzing the data, caution must be used when trying to make any comparisons between the general education data and the special education data, as dropout rates are derived from two different data sets using different collection procedures and collected at two different times of the year. Further, because the number of students with disabilities enrolled at the state level is relatively low, small annual changes in the data can cause wide variations in the dropout rates. This variation may suggest a discrepancy where, in fact, the numbers are too small to be statistically significant.

Data indicates that the dropout rate of students with disabilities (7.0%) is higher than the dropout rate for the general student population (2.3%). Trend-line data suggests the special education dropout rate was relatively stable for a three-year period then had a significant spike in 2004-2005. It is strongly felt that the spike shown in 2004-2005 is an anomaly. Extensive analysis was conducted to determine what could be the cause. It was noted that there was a 14 percent increase in the overall exiting count between 2003-2004 and 2004-2005. In a state such as Montana, with a relatively small population of students with disabilities, there is a high probability of significant variations in the data from year to year.

While the Office of Public Instruction has targeted substantial special education and general education resources for reducing the dropout rate, it is not anticipated that these interventions will produce results in the near term. Conditions affecting dropout rates often begin in elementary school and include effectiveness of early reading instruction, school climate, and other factors. As a result, targets have been set expecting a special education dropout rate that remains stable, gradually turning around within three years when we expect to see a slight decrease in the dropout rate.

Because of the nature of conditions affecting dropout rates, it is anticipated that the real impact of our interventions for reducing dropouts is not likely to be seen until our current early elementary students enter our high schools. For this reason, Montana stakeholders have concluded that our targets are rigorous, even though we are not expecting substantial improvement in the near term.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, decrease the dropout rate of students with disabilities to 5.8 % within a 95% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, maintain the dropout rate of students with disabilities at 5.8 % within a 95% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, decrease the dropout rate of students with disabilities to 5.6 % within a 95% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, decrease the dropout rate of students with disabilities to 5.1 % within a 95% confidence interval
2009 (2009-2010)	Given a minimum N of 10, decrease the dropout rate of students with disabilities to 5.0 % within a 95% confidence interval.
2010 (2010-2011)	Given a minimum N of 10, decrease the dropout rate of students with disabilities to 4.9 % within a 95% confidence interval.

Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines	Resources
Fully implement a student information system and special education Records and Information Management System to ensure collection of valid and reliable data.	2009-2010 Ongoing	OPI Staff/Contractors
Maintain/implement activities described in the American Indian Dropout Prevention Grant Through the Montana Behavioral Initiative (MBI) provide training to LEA staff regarding improving school climate, instructional techniques, and implementing schoolwide approaches to positive behavioral intervention and support.	Completed 06-07 Ongoing	OPI Staff School/Family Tribal Community Collaborations Montana Wyoming Indian Education Association Interagency Coordinating Council for Prevention Programs CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana/DERS Department of Emergency Services

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Through the Montana Behavioral Initial (MBI) Youth Days, provide training to youth in character education and service learning.	Ongoing	CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana/DERS Department of Emergency Services
Provide professional development opportunities to enhance LEAs' knowledge and implementation of effective strategies to decrease student dropout.	Ongoing	National Dropout Prevention Center National technical Assistance OPI Staff MPRRC CSPD SPDG
Work with the parent training/information center, PLUK, to have parents become more involved in their child's education	Ongoing	PLUK OPI Staff Region V CSPD
Continue to support Indian Education For All activities	Ongoing	OPI Staff/ Indian Education For All Staff
OPI will provide technical assistance to LEAs on child find practices to ensure that students who are having instructional or behavioral difficulty are fully included in effective child find activities.	2005-2006 Ongoing	OPI Staff

Monitoring Priority: FAPE in the LRE**Indicator 3: Participation and performance of children with disabilities on statewide assessments:**

- A. Percent of districts meeting the state's AYP objectives for progress for disability subgroup.**
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade-level standards; alternate assessment against alternate achievement standards.**
- C. Proficiency rate for children with IEPs against grade-level standards and alternate achievement standards.**

[20 U.S.C. 1416 (a)(3)(A)]

Overview

Montana has a comprehensive statewide assessment system. Specific information regarding this system can be found at the following Web site: www.opi.mt.gov/assessment/.

In accord with its compliance agreement with the U.S. Department of Education, the OPI, through contract with Measured Progress, developed a Criterion-Referenced Test (CRT) and CRT-Alternate for the subject areas of reading and math. The CRT-Alternate measures a student with disabilities' performance against alternate achievement standards. The tests were first administered in spring of 2004 to all students in grades 4, 8, and 10 and again in the spring of 2005 to students in grades 4, 8, and 10.

In accord with requirements under IDEA and state administrative rule, all students with disabilities are expected to participate in the statewide assessment. Waivers for nonparticipation are not permitted. Test administration guidance documents were developed and extensive training provided to ensure special education teachers had the understanding and knowledge to administer the CRT-Alternate. In addition, information was provided to parents and LEA staff on the requirements for participation in the statewide assessment, documenting participation on IEPs, accommodations available and the standards for determining whether a student with disabilities would participate in the CRT or the CRT-Alternate. Only those students with disabilities who met the criteria as a student with a significant cognitive disability were allowed to participate in the CRT-Alt.

The OPI continues its work toward closing the achievement gap by providing extensive training to regular and special education teachers on access to the general curriculum. This training, initially supported by the SIG grant and currently supported through state set-aside funds, is known as *We Teach All* and focuses on teacher preparation for differentiated instruction. *We Teach All* is the primary initiative through which schools are being supported to align their curricula to the state standards and use instructional strategies to address the needs of diverse learners in the general education classroom.

Montana is providing intensive training to teachers on reading instruction. The OPI Division of Special Education works closely with Reading First personnel to help ensure that both regular and special education teachers participate in such training, thus enabling them to work effectively as teams in improving reading instruction in their schools. The LEAs, through their Five-Year Comprehensive Education Plan, incorporate strategies for improving instruction and student outcomes in the reading and math content areas. They report annually on their progress and make revisions as necessary, based on an analysis of achievement

data, to ensure continuous academic growth of all students. The Division of Special Education continues to work closely with ESEA staff to review AYP of students with disabilities on statewide assessment, as well as to collaborate on planning and implementing training on research-based effective instruction strategies. We will continue to focus our efforts for improving performance of students with disabilities by continued teacher training in areas of differentiated instruction and core content areas. Training will be provided through our CSPD, as well as through collaboration with other federal and state programs personnel.

Montana has submitted a General Supervision Enhancement Grant proposal to the U.S. Department of Education for determining the feasibility of an alternate assessment based on modified achievement standards. Although Montana's system of statewide assessments was developed with careful consideration of students with disabilities, there remains a group of students with disabilities for whom the current options, the CRT with or without accommodations and the CRT–Alternate, do not provide valid results. These students need modified academic content and a different pace of instruction. They are not achieving grade level expectations, but are working toward them. Therefore, the OPI proposed in its GSEG application to engage in a one-year pilot to investigate the feasibility of developing alternate assessments based on modified achievement standards. This project would follow the U.S. Department of Education recommended test development procedures and allow Montana to engage Measured Progress, the State's assessment contractor, to develop an assessment that fits seamlessly within the current system. The pilot test, the "CRT–Modified," will be aligned with and scaled to the CRT. Outcomes of the pilot test will be used to determine if the CRT-Modified assessment program should be expanded. If so, guidance will be developed for IEP teams to determine which assessments are appropriate for students with disabilities and schools and districts will be advised as to the implications for AYP reporting purposes.

As a part of the Compliance Monitoring procedure, program specialists review student records for procedural compliance. An analysis of findings from FY '04 and FY '05 shows that no corrective actions were given because of the IEP team's failure to address student participation in state and districtwide assessments.

Measurement:

A. Percent = # of districts meeting the state's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the state times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in alternate assessment against grade-level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent = b + c + d + e divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a.

Overview of Issue/Description of System or Process

The Division of Measurement and Accountability collects and reports all assessment data and provides information to LEAs on student achievement. The AYP determinations are made based on an analysis of student assessment data and other quality indicators. Data is disaggregated to ensure appropriate subgroup reporting.

The OPI reports to the public state-level assessment results as a part of its state report card. Results are also available on the OPI Web site at <http://www.opi.mt.gov>. The LEAs also report their assessment results to the public as a part of their own LEA report card.

Revised Baseline Data for FFY 2005 (2005-2006 School Year)

For the 2005-2006 school year, Montana received approval for its revised accountability process including the calculation methodology for determining district and schools meeting AYP and the addition of grades 3, 5, 6, and 7 to its statewide assessment. These revisions included establishing new cut points for determinations of Novice, Nearing Proficient, Proficient, and Advanced. Additionally, the revisions included establishing new thresholds for the Annual Measurable Objective (AMO) used in determining AYP for schools in the calculated process and the small schools process. Due to the revisions of Montana's Accountability process, it is necessary to establish a new baseline and targets for this indicator. Revised baseline data and targets are below.

Indicator 3A – AYP

Table 3.1 below presents data on the percent of districts that have a disability subgroup that meets the minimum N of 40 and meets Montana's AYP objectives for progress for the disability subgroup for the 2005-2006 school year. Table 3.1 was revised to indicate final AYP determinations for the 2005-2006 school year. The baseline data reported in the February 1, 2007, APR was preliminary and final AYP determinations were not available until March 2007 following the submission of the FFY 2005 APR.

Table 3.1 Districts Meeting AYP for Disability Subgroup for the 2005-2006 School Year - Revised

AYP Objectives	Overall (across Content Areas)	
	#	%
Districts with a disability subgroup meeting Montana's minimum N size	57	
Districts meeting Montana's AYP objectives for progress for students with IEPs	23	40.4%

Indicator 3B - Participation Rates for Students with Disabilities

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For the 2005-2006 school year, tests were administered to students not only in grades 4, 8, and 10 in the content areas of reading and math, but also in grades 3, 5, 6, and 7 in the same content areas. Table 3.2 below presents the participation rates of students with IEPs in Montana's Criterion-Reference Test (CRT) and the CRT-Alternate (CRT-Alt) for all grades assessed in the content areas of reading and math. Data reported under section 618 (Annual Report of Children Service) is the data source for these calculations.

Table 3.2 Participation Rates of Students with IEPs in Montana Statewide Assessments for All Grades Assessed for the 2005-2006 School Year

Participation	Math		Reading		Overall (across Content Areas) ³	
	#	%	#	%	#	%
(a) Number in grades assessed	9753		9753		19506	
(b) Regular assessment (CRT) with no accommodations	3284	33.7%	3193	32.7%		
(c) Regular assessment (CRT) with accommodations ¹	5738	58.8%	5838	59.9%		
(d) Alternate assessment against grade level achievement standards ²	0	0.0%	0	0.0%		
(e) Alternate assessment (CRT-Alt) against alternate achievement standards	625	6.4%	626	6.4%		
Overall rate of participation in statewide assessment for students with IEPs	9647	98.9%	9657	99.0%	19304	99.0%
Source: Montana Statewide Assessment data and ADC Enrollment data.						
¹ Regular assessment with accommodations include all students who participated with accommodations (both standard and nonstandard).						
² Montana does not use an alternate assessment scored against grade level achievement standards at this time.						
³ Overall Participation Rates is equal to the number of student tests scored proficient or above in Math and Reading divided by the total number of tests taken in Math and Reading.						

Indicator 3C - Proficiency Rates for Students with Disabilities

The table below presents the proficiency rates of students with IEPs participating in Montana's Criterion-Reference Test (CRT) and the CRT-Alternate (CRT-Alt) for all grades assessed in the content areas of reading and math. Data reported under section 618 (Annual Report of Children Service) is the data source for these calculations.

Table 3.3 Proficiency of Students with IEPs on Montana Statewide Assessments for All Grades Assessed for the 2005-2006 School Year

Proficiency	Math		Reading		Overall (across Content Areas) ³	
	#	%	#	%	#	%
(a) Number in grades assessed	9753		9753		19506	
(b) Proficient or above in regular assessment (CRT) with no accommodations	1091	11.2%	1670	17.1%		
(c) Proficient or above in regular assessment (CRT) with accommodations ¹	975	10.0%	1640	16.8%		
(d) Proficient or above in alternate assessment against grade level standards ²	0	0.0%	0	0.0%		
(e) Proficient or above in alternate assessment (CRT-Alt) against alternate achievement standards	390	4.0%	478	4.9%		
Overall rate of proficiency or above for students with IEPs	2456	25.2%	3788	38.8%	6244	32.0%
Source: Montana Statewide Assessment data and ADC Enrollment data.						
¹ Regular assessment with accommodations include all students who participated with accommodations (both standard and nonstandard).						
² Montana does not use an alternate assessment scored against grade level achievement standards at this time.						
³ Overall Performance Rates is equal to the number of student tests scored proficient or above in Math and Reading divided by the total number of tests taken in Math and Reading.						

Beginning with FFY 2006 (2006-2007 school year), the targets for Indicator 3A and Indicator 3C below have been revised using FFY 2005 (2005-2006 school year) data as the baseline. Because of the recalibration of cut scores and the need to establish new thresholds for calculating the AMO, trend line data cannot be relied on to establish targets for ensuing years. In the absence of trend line data, the assumption for Indicator 3A is that for the first two years, the percent of districts that have a disability subgroup that meets a minimum N of 40 meeting the state's AYP objectives will remain the same as the baseline. Therefore, the targets for Indicator 3A have also been revised based on the new baseline data. For the next

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three years, we anticipate that intervention strategies addressing this performance indicator will begin producing results and we will begin to see improved performance. The assumption for Indicator 3C is that for the first three years, the percentage of students tested to be proficient or above will remain the same as the baseline data. For the next three years, we anticipate that intervention strategies addressing this performance indicator will produce results and we anticipate improved performance.

	Measurable and Rigorous Target
2005 (2005-2006)	<p>A. Within a 95% confidence interval, 80% of districts will meet the state's AYP objectives for progress for the disability subgroup when using AYP calculation methodologies in effect on 11/18/05.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. 29.5 % of all students with disabilities tested will be at the proficient or above level within a 95% confidence interval when using AYP calculation procedures, including grade levels tested and AMO objectives and performance thresholds in effect on 11/18/05.</p>
2006 (2006-2007)	<p>A. Within a 95% confidence interval, 40.4% of districts will meet the state's AYP objectives for progress for the disability subgroup.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. Within a 95% confidence interval, 32% of all students with disabilities tested will be proficient or above.</p>
2007 (2007-2008)	<p>A. Within a 95% confidence interval, 40.4% of districts will meet the state's AYP objectives for progress for the disability subgroup.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. Within a 95% confidence interval, 32% of all students with disabilities tested will be proficient or above.</p>
2008 (2008-2009)	<p>A. Within a 95% confidence interval, 41% of districts will meet the state's AYP objectives for progress for the disability subgroup.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. Within a 95% confidence interval, 33% of all students with disabilities tested will be proficient or above.</p>

<p>2009 (2009-2010)</p>	<p>A. Within a 95% confidence interval 41% of districts will meet the state's AYP objectives for progress for the disability subgroup.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. Within a 95% confidence interval, 33% of all students with disabilities tested will be proficient or above.</p>
<p>2010 (2010-2011)</p>	<p>A. Within a 95% confidence interval, 41.5% of districts will meet the state's AYP objectives for progress for the disability subgroup.</p> <p>B. Within a 95% confidence interval, 95% of SWD will participate in the state-level assessment.</p> <p>C. Within a 95% confidence interval, 33.5% of all students with disabilities tested will be proficient or above.</p>

Data notes: The discussion of measurable and rigorous targets uses a baseline year of "2005" AYP calculations. The 2005 AYP calculation was determined from data, including CRT and CRT-alternate assessment data, obtained during the 2004-2005 school year. The targets established for 2005 and each subsequent year will come from AYP determinations for "2006" and each subsequent year.

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Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Provide professional development opportunities to LEAs on research-based strategies to improve student achievement.	Ongoing	OPI Staff CSPD Regions OPI Staff ESEA Staff Personnel Prep. Grant (SPDG) MPRRC
Continue to implement MBI to promote a positive environment which supports student learning	Ongoing	CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana/DERS Dept. of Emergency Services
Continue pilot studies to establish an alternate assessment to be known as the “CRT-Modified.”	2011-2012	GSEG Grant/Measured Progress
Continue to collaborate with the OPI Indian Education Division and other agencies on projects and activities which focus on improving American Indian student achievement.	Ongoing	OPI Staff Indian Education Staff MSU-Billings State Universities/Colleges

Monitoring Priority: FAPE in the LRE**Indicator 4: Rates of suspension and expulsion:**

- A. Percent of districts identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and**
- B. Percent of districts identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.**

[20 U.S.C. 1416(a)(3)(A); 1412(a)(22)]

Overview

Montana's school administrators have worked diligently on keeping students in school and positively engaged in their academic growth. Over 209 school sites in over 53 LEAs have participated in the Montana Behavioral Initiative as a means of creating a positive and supportive school climate, as well as looking at alternative strategies for school discipline other than suspending or expelling a student from school.

The Montana Behavioral Initiative (MBI) project and the availability of the Early Assistance Program (EAP) have had a positive and significant impact on decreasing the rate of out-of-school suspensions/expulsions. Additionally, the OPI published a technical assistance guide titled "Disciplinary Removals in Special Education." This guide is available to LEAs and parents on-line through the OPI Web page or, if requested, by hard copy.

When conducting compliance reviews, monitors review a sampling of records for those students who have been suspended or expelled. The purpose of the file review is to ensure districts are following proper procedures and that students with disabilities are provided FAPE. In addition to compliance reviews, the OPI, through its Focused Intervention activities, holds LEAs accountable for low rates of long-term suspensions and expulsions.

Measurement:**Data Source:** 618 Data

Student Discipline Data Collection

- A. Percent = # of districts identified by the state as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the state times 100.
- B. Percent = # of districts identified by the state as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the state times 100.

Include state's definition of "significant discrepancy."

Overview of Issue/Description of System or Process

Montana's School Discipline Data Collection System is an integrated system which collects discipline data for all students. This data collection system is currently in its fourth year. It collects data on all incidents that result in an out-of-school suspension or expulsion, regardless of the length of time. The reporting period is July 1 through June 30 of the school year. The 2003-2004 school year was the first year that LEAs were able to submit suspension/expulsion data on-line. Over 44 percent of all LEAs reported their suspension/expulsion data electronically in 2004-2005.

Long-term suspension or expulsion is defined as a suspension or expulsion that results in removal of a student, out of school, for greater than 10 school days or a student with multiple short-term (10 school days or less) out-of-school suspensions or expulsions that sum to greater than 10 school days during the school year.

Subpart A

The following describes the formulas used for calculating long-term suspension and expulsion rates and the assessment of significant discrepancies in the rates of suspensions and expulsions.

Regular education formula

Long-term suspension and expulsion rates for regular education students are calculated by dividing the number of regular education students with long-term suspension or expulsions by the number of enrolled students, grades K-12, for the specific school year.

Number of regular education students with long-term suspension or expulsion / Number of students enrolled

Special education formula

Long-term suspension and expulsion rates for students with disabilities are calculated by dividing the number of special education students with long-term suspension or expulsions by the number of students with disabilities reported on the December 1st child count for the specific school year.

Number of special education students with long-term suspension or expulsion / Number of students with disabilities, ages 6-21

Identifying Districts for Significant Discrepancy**Indicator A**

The assessment of an LEA's performance based on long-term suspension/expulsion rates is accomplished by comparing the LEA's suspension/expulsion rates for students with disabilities to the LEA's suspension/expulsion rates for nondisabled students. The OPI conducts a test of the difference between proportions to determine if there is a *statistically significant difference*. The *level of statistical significance* has been set at a .01 level and with a minimum sample size of 10. In other words, in districts with sample sizes of greater than 10, we ensure that we are 99 percent confident that the results are due to a real difference in the population and not by chance factors². If an LEA demonstrates a statistically significant difference in its long-term suspension and expulsion rates for students with disabilities when compared to its long-term suspension and expulsion rates for nondisabled students, the LEA is identified as having a *significant discrepancy*.

² Levin, Jack (2003). *Elementary Statistics in Social Research*. p. 219. Boston, MA: Pearson Education Group, Inc.

To ensure statistically sound data when assessing statistical differences between the rates of long-term suspension and expulsions for students with disabilities and nondisabled students, the OPI applies a minimum N and a 99 percent confidence level to reduce the effect of small sample sizes on the determination of significant discrepancy. The use of a minimum N and confidence level is intended to improve the validity and reliability of the determination of significant discrepancy by reducing the risk of falsely identifying an LEA as having a significant discrepancy when, in fact, there is no real difference in the population.

If, based on an LEA's data, the LEA is found to have a *significant discrepancy* in long-term suspension/expulsion rates for students with disabilities, the OPI informs the LEA of its determination and conducts a review of the LEA's policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that the policies, procedures and practices comply with IDEA.

The LEA-level review includes review of selected student files, review of district policies and their implementation and interviews with selected school personnel and parents, as determined appropriate. If, as a result of the review, it is determined that the LEA must revise its policies, practices and/or procedures, a corrective action (s) and timeline(s) for completion of the corrective(s) action is given to the LEA.

Significant Discrepancy Definition

An LEA is determined to have a significant discrepancy if, given a minimum N of 10, an LEA demonstrates a statistical difference in long-term suspension and expulsion rates for students with disabilities when compared to the long-term suspension and expulsion rates for students without disabilities, within a 99 percent confidence interval.

Indicator B

The LEAs submit their data as a part of the larger discipline collection system. The OPI conducts an analysis of LEAs' 2005-2006 data for suspensions/expulsions for greater than 10 days in a school year of children with disabilities by race/ethnicity and then determines if a statistically significant *difference* exists within each LEA.

The long-term suspension/expulsion counts for both special education and regular education for LEAs in Montana are extremely small and this is particularly so for racial/ethnic and disability subgroups, especially in small rural schools. Therefore, there is often too small of a sample size to obtain precise and reliable results. Recognizing the problem with validity of small sample sizes, the OPI will use multiple methods in its determination of significant discrepancy in long-term suspension/expulsion rates for students with disabilities by racial/ethnic categories.

As part of its multiple methods to determine significant discrepancy in the long-term suspension and expulsion of students with disabilities by race/ethnicity, the OPI implements a screening process to identify LEAs with statistically significant differences in long-term suspension and expulsion rates by race/ethnicity. For districts with 10 or more of long-term suspensions in a school year, the OPI uses the results of a test of the difference between proportions to indicate a statistically significant difference at the .05 significance level. Based on the screening results the OPI will make a determination if further investigation is warranted to determine a significant discrepancy. If further investigation is warranted, the OPI will engage the identified LEAs in focused intervention activities to determine if a significant discrepancy exists.

Baseline Data for FFY 2004 (2004-2005)

Indicator A

Table 4.1 Long-Term Suspension and Expulsion Rate Comparison

School Year	Number of Special Education Students with Long-term Suspension or Expulsion ¹	Special Education Child Count, Ages 6-21 ²	Special Education Long-term Suspension and Expulsion Rates	Number of Regular Education Students with Long-term Suspension or Expulsion ³	General Education Enrollment, Grades K-12 ⁴	Regular Education Long-term Suspension and Expulsion Rates
2004-2005	92	17453	0.5%	377	145795	0.3%
¹ Count of students with disabilities who qualify for services under IDEA, with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year. ² Special education counts are students with disabilities who qualify for services under IDEA, ages 6-21, reported on the December 1st child count ³ Count of nondisabled students with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year. ⁴ Students enrolled as of October 1st of the count year in grades K-12. This count includes students with disabilities who qualify under IDEA and can not be disaggregated.						

Table 4.2 School District Review of Long-Term Suspension and Expulsion Rates

StateFY	Number of LEAs ¹	Number of LEAs reporting long-term suspensions and/or expulsions ²	Number of LEAs identified with a statistically significant difference ³	% of LEAs identified with a statistically significant difference
2004	437	100	16	16.0%
¹ The number of public school districts in Montana for school year 2003-2004. ² Number of public schools that reported long-term suspensions or expulsions in school year 2004-2005. The LEAs may be duplicated between special education and regular education (an LEA may have suspended/expelled both special ed and regular ed students). ³ Statistically significant difference does not mean a significant discrepancy. No LEA in the state reported a count of 10 or more long-term suspensions or expulsions during the year for students with disabilities. As a result, the reported numbers are too small to obtain precise and reliable results, and the differences found are more than likely due to chance.				

Discussion of Baseline Data:**Indicator A**

- The statewide rate of long-term suspensions/expulsion for the general student population is .3 percent.
- The statewide rate of long-term suspension/expulsions for students with disabilities is .5 percent.

Only **46** or **10.6** percent of the total number of LEAs reported any long-term suspension or expulsions of students with disabilities. Of these, the largest number of suspensions/expulsions of students with disabilities in any LEA was seven. None of the LEAs which reported long-term suspensions/expulsions met the minimum N of 10. Following a review of LEA-level data, it was determined that no LEAs had a *significant discrepancy* in the long-term suspension/expulsion rates of students with disabilities.

Review of complaints, due process and monitoring findings showed there were no corrective actions issued relative to long-term suspensions or expulsions.

Indicator B

The table below presents a comparison of long-term suspension and expulsion rates by race/ethnicity categories between students with disabilities and nondisabled students for the 2005-2006 school year.

Table 4.3 Long-Term Suspension and Expulsion Rates by Race/Ethnicity for the 2005-2006 School Year

Race/Ethnicity	Number of Special Education Students with Long-term Suspension or Expulsion ¹	Special Education Long-term Suspension or Expulsion Rates	Number of Regular Education Students with Long-term Suspension or Expulsion ²	Regular Education Long-term Suspension and Expulsion Rates
American Indian/Alaskan Native	49	1.9%	159	1.0%
Asian or Pacific Islander	0	0.0%	1	0.1%
Black or African American	1	0.5%	3	0.2%
Hispanic or Latino	3	0.6%	8	0.2%
White, Non-Hispanic	42	0.3%	201	0.2%

¹Count of students with disabilities who qualify for services under IDEA, with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year.

²Count of nondisabled students with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year.

Table 4.4 below presents the results of OPI's review of LEAs to determine if there are significant discrepancies in the rates of long-term suspensions and expulsions of students with disabilities by race and ethnicity. This data becomes the baseline data for Indicator 4B.

Table 4.4 LEA Review of Long-Term Suspension and Expulsion Rates by Race/Ethnicity for the 2005-2006 School Year

Race/Ethnicity	Number of LEAs¹	Number of LEAs reporting long-term suspensions and/or expulsions²	Number of LEAs reporting long-term suspension and/or expulsions for students with disabilities³	Percent of LEAs reporting long-term suspension and/or expulsions for students with disabilities⁴	Percent of LEAs identified with significant discrepancy⁵
American Indian/Alaskan Native	436	41	24	5.5%	0%
Asian or Pacific Islander	436	1	0	0.0%	0%
Black or African American	436	4	1	0.2%	0%
Hispanic or Latino	436	7	2	0.5%	0%
White, Non-Hispanic	436	73	28	6.4%	0%

¹Number of public schools in Montana for the school year 2005-2006

²Number of public schools that reported long-term suspension and/or expulsions in school year 2005-2006. The LEAs may be duplicated in that an LEA may have suspended or expelled both special education and regular education students and reported under more than one race/ethnic category.

³Of the number of all LEAs reporting long-term suspension and/or expulsions, the number of LEAs reporting long-term suspension and/or expulsions for students with disabilities. This may result in a duplicate count due to an LEA reporting under more than one race/ethnic category.

⁴Of the number of all LEAs in the state, the percent reporting long-term suspension and/or expulsions for students with disabilities.

⁵Of the number of LEAs reporting long-term suspension and/or expulsions for students with disabilities, the count of long-term suspension and expulsions is extremely small and no LEA met the requirement of a minimum N of 10 long-term suspension and/or expulsions reported in order to conduct a statistical test of difference.

Discussion of Baseline Data: Indicator B.

The table above shows the number of LEAs reporting long-term suspensions and/or expulsions of students with disabilities is extremely small. Although American Indians proportionally have a higher rate of suspensions and/or expulsions compared to other students, no LEAs had long-term suspensions and/or expulsions that met the minimum N of ten. Therefore, no additional review was required and it was determined that no LEAs were identified as having a significant discrepancy in long-term suspensions and/or expulsion by race and ethnicity.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99% confidence interval.</p> <p>B. To be determined.</p>
2006 (2006-2007)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99 % confidence interval.</p> <p>B. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities, by race and ethnicity at 0%, within a 95% confidence interval.</p>

2007 (2007-2008)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99% confidence interval.</p> <p>B. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities, by race and ethnicity, at 0%, within a 99% confidence interval.</p>
2008 (2008-2009)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99% confidence interval.</p> <p>B. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities, by race and ethnicity at 0%, within a 99% confidence interval.</p>
2009 (2009-2010)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99% confidence interval.</p> <p>B. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities, by race and ethnicity at 0%, within a 99% confidence interval.</p>
2010 (2010-2011)	<p>A. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities at 0%, within a 99% confidence interval.</p> <p>B. Given a minimum N of 10, maintain the percent of the LEAs identified as having significant discrepancy in long-term suspension and expulsion rates for students with disabilities, by race and ethnicity at 0%, within a 99% confidence interval.</p>

Improvement Activities/Timelines/Resources

Improvement Activities	Projected Timelines	Resources
Continue to make “on-time” TA available to school personnel through the EAP and OPI Staff	Ongoing	OPI Staff EAP/Legal Staff
Continue to monitor compliance with IDEA regulations regarding suspensions and expulsions through compliance monitoring procedures	Ongoing	Special Education Monitors

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Continue to make MBI training available to school personnel	Ongoing	CSPD Regions OPI School Foods OPI Staff Board of Crime Control University of Montana/DERS Dept. of Emergency Services
Continue to provide TA and training to LEAs to assist them with strategies that will lead to fewer suspensions/expulsions	Ongoing	MPRRC National TA Centers OPI Staff
Provide guidance to LEAs on discipline procedures and make this available on the OPI Web site	2006-2007	Legal Services Division
Work with the Division of Indian Education to identify promising practices to decrease long-term suspensions and/or expulsions for American Indian students	Ongoing	OPI Staff CSPD

Monitoring Priority: FAPE in the LRE**Indicator 5: Percent of children with IEPs aged 6 through 21:**

- A. Removed from regular class less than 21% of the day;**
- B. Removed from regular class greater than 60% of the day; or**
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.**

[20 U.S.C. 1416(a)(3)(A)]

Overview of Issue/Description of System or Process

The Office of Public Instruction (OPI) addresses the education of children with disabilities with nondisabled peers to the extent appropriate through these methods: (1) Appropriate personnel from the OPI, local educational agencies, institutions of higher education and contracted professionals (including parents and families) provide training and technical assistance at the local level to support instructional practices in the general education setting that address the needs of students with disabilities and their nondisabled peers; (2) Both the OPI and Parents, Let's Unite for Kids (PLUK) personnel inform and support parents and families about instructional practices that provide for the education of students with disabilities with their nondisabled peers; (3) The OPI Legal Services Division responds to inquiries about provision of FAPE in the least restrictive environment, among other concerns; and (4) The OPI compliance monitoring procedure ensures that all individual student records sampled include a comprehensive review of consideration of least restrictive environment appropriate to the individual students.

Staff development activities, especially the regional Comprehensive System of Personnel Development councils and Montana Behavioral Initiative (MBI), continuously provide training in best practices related to special education, including those related to provision of opportunities for children with disabilities to be educated with their nondisabled peers. Placement is individually determined for each student, based on the student's instructional needs by the student's IEP team. The newly funded personnel preparation grant from OSEP includes as one of its goals, Universal Design. This training activity will assist school personnel in providing students with disabilities more access to the general curriculum.

The state special education funding system is placement neutral. Therefore, there is no incentive to place students with disabilities in more restrictive settings.

The OPI implements a compliance monitoring system which includes review of a sampling of student records. This review helps to ensure that IEP teams appropriately document their decisions and placements are based on the individual need of the student.

Over the past five years, the OPI has continued to show a statewide increase in its population of students with disabilities, while at the same time showing a statewide declining enrollment. In reviewing statewide data, it is important to note that there has been a decline in the proportion of learning disabled students and a significant increase in the numbers of students identified as having other health impairment and the number of students identified as having autism. Such changes in child count have an effect on settings of services based on the increasing proportion of students likely to be experiencing more significant disabilities requiring more complex services and/or a method of service delivery that might be more restrictive.

Measurement:**Data Source:** Child Count/618 Data

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Overview of Issue/Description of System or Process

The educational placement count of students with disabilities ages 6-21 is part of the larger child count data collection that is conducted on December 1 of each year. Data definitions for educational placement used are the same as those used in reporting under Section 618 (Annual Report of Children Served).

For students with disabilities, ages 6-21, percentages were calculated on the following educational environment categories:

1. Regular Class: Removed from regular class less than 21% of the day.
2. Full-time Special Education: Removed from regular class greater than 60% of the day.
3. Separate Schools: A roll-up of public/private separate schools, residential placements, and home or hospital settings.

To calculate the percent served in a particular educational environment, the following formula was used:

of students with disabilities in a particular educational environment divided by the # of students with disabilities, ages 6 through 21, in the state times 100.

The table below provides the percent of students with disabilities, ages 6-21, in specific educational environments as well as definitions used to classify the educational environment.

Baseline Data for FFY 2004 (2004-2005)**Table 5.1 Montana's Educational Placement of Students with Disabilities, ages 6-21**

Students with disabilities, ages 6-21, School Year 2004-2005			
Setting of Service	Setting Count¹	Student Total	% of Total
Regular Class ²	9087	17637	51.5%
Full-time Special Education ³	2003	17637	11.4%
Combined Separate Facilities ⁴	324	17637	1.8%

¹Count of students with disabilities, ages 6-21, reported on the December 1 annual count in a specific educational setting.

²Students with disabilities removed from regular class less than 21% of the school day.

³Students with disabilities removed from regular class greater than 60% of the school day.

⁴Students with disabilities served in public or private separate schools, public or private residential placements, or homebound or hospital placements.

Table 5.2 Review of LEAs and educational placements for students with disabilities, ages 6-21

StateFY	# of LEAs Reviewed ¹	# of LEAs Meeting the Target ²	# of LEAs Making Progress Toward the Target ³	% of LEAs Meeting or Making Progress Toward the Target
2002	395	138	97	59.5%
2003	400	143	102	61.3%
2004	401	129	146	68.6%

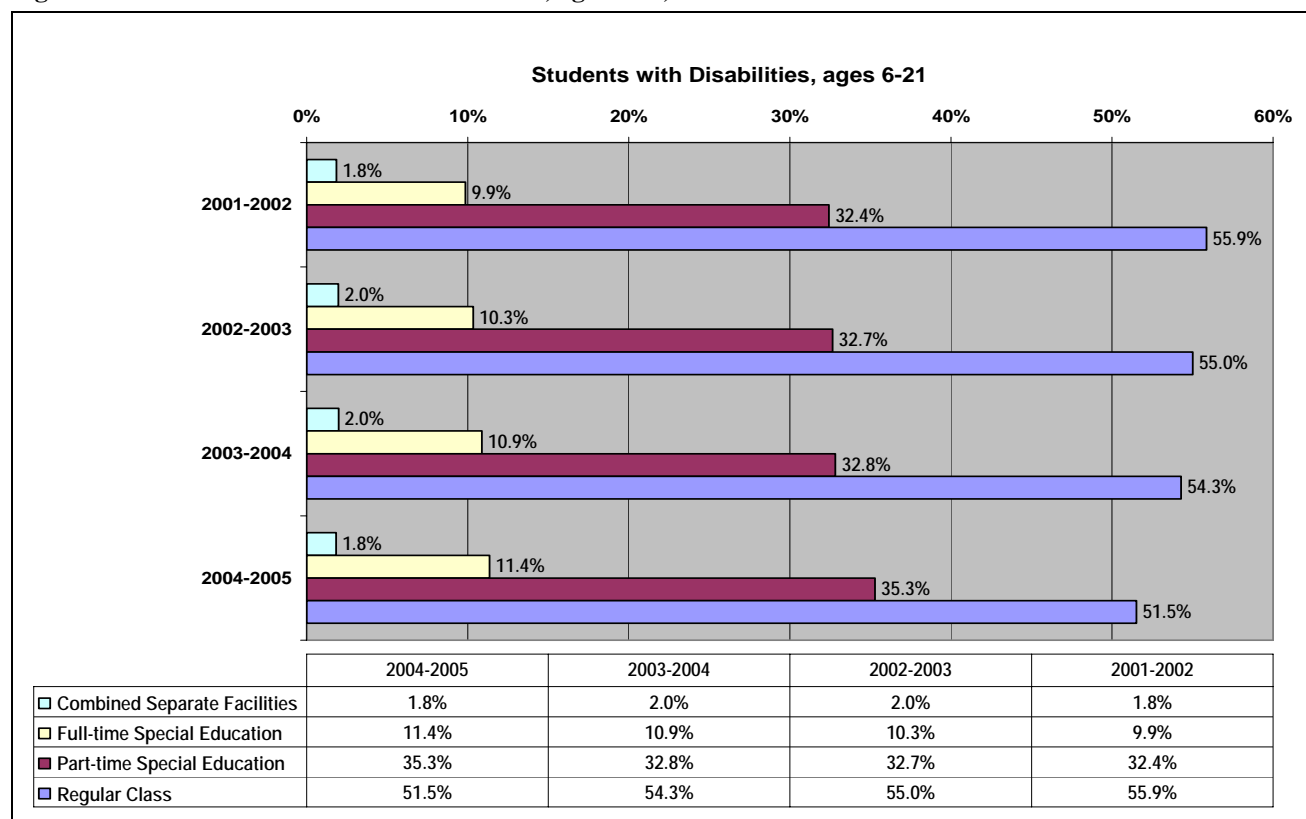
¹ Number of LEAs serving students with disabilities as obtained from the December 1st annual child count.

² Number of LEAs where 80% or more of students with disabilities are removed from the regular classroom less than 21% of the school day.

³ Number of LEAs where less than 80% of their students with disabilities are removed from the regular classroom less than 21% of the school day, but are making progress towards that target.

TREND DATA

Figure 5.1 Percent of Students with Disabilities, ages 6-21, in Educational Environments



Discussion of Baseline Data

- A. 51.5% of students with disabilities are removed from regular class less than 21% of the day;
- B. 11.4 % of students with disabilities are removed from regular class greater than 60% of the day;
- C. 1.8% of students with disabilities are served in public or private separate schools, residential placements, or homebound or hospital placements.

Out of 17,637 students with disabilities, ages 6-21, being served in special education, 51.5 percent are removed from regular education for less than 21 percent of the school day, while 11.4 percent are removed from the regular classroom for greater than 60 percent of the school day. A small percentage of students with disabilities (1.8%) receive their education in public or private separate facilities.

As part of its special education focused intervention activities, the Montana OPI uses educational environment data as one of its key indicators for focused intervention activities. The OPI has established, as a part of its weighted measurement settings indicator for LEAs, 80 percent of students with disabilities in the district, ages 6-21, will be removed from the regular classroom setting less than 21 percent of the school day. The LEAs are selected for intervention in part on this settings indicator measurement. Analysis of LEA 2004-2005 placement data shows that 68.6 percent of the LEAs reporting students with disabilities, ages 6-21, on its December 1 child count either met, exceeded or were making progress toward the indicator measurement of “80% of students with disabilities will be removed from the regular classroom less than 21% of the time.” In other words, the majority of students with disabilities in these LEAs receive their instruction in the regular classroom with nondisabled peers for 80 percent of the day. The data are displayed in Table 9 above.

A review of trend data (Figure 5.1) shows that the percent of students with disabilities being removed from the regular classroom for less than 21 percent of the school day has shown a decrease for the past four years. Over the same time period, there has been a steady increase in the number of students with disabilities reported as removed from the general education setting for more than 60 percent of the day. Data for the combined separate facilities has fluctuated but the fluctuations have been very small. There are numerous factors which affect where students will receive their educational instruction. All decisions regarding educational placement are made by the IEP team, which includes the parent, and based on what is determined to be the most appropriate setting for the student to receive their special education instruction. Over the past five years, while Montana has experienced a declining enrollment, the child count for students with disabilities has grown. Data shows that there has been a significant increase in the disability category of autism and LEAs are reporting an increasing number of students with more challenging needs being enrolled in their schools. Given these factors, it's not unexpected that more students will receive their instruction in settings outside the regular classroom.

The OPI includes a review of student records as a part of its compliance monitoring process. In reviewing data from the 2004-2005 school year, there were no corrective actions given based on inappropriate educational placements.

Trend-line data shows a 1.5 percent average annual decrease for the past four years in the percentage of students removed from regular class less than 21 percent of the day, and a .5 percent average annual increase for the past four years in the percentage of students educated outside the regular classroom for more than 60 percent of the day. This trend suggests that Montana will face a significant challenge in turning around the trend. Therefore, stakeholders have indicated that it is reasonable to expect that, for the near term, this trend should be expected to continue. As intervention strategies are applied, the expectation is that by the third year the decline in students in regular education setting for less than 21 percent of the day should reverse and begin to show a gradual increase such that by the 2010-2011 school year, the rate of students removed from the regular education setting for less than 21 percent of the day should exceed the rate for the 2003-2004 school year. Likewise, the rate of students educated outside the regular classroom

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for more than 60 percent of the day is expected to increase slightly until the third year when the trend will reverse and begin to show a gradual decrease so that by the 2010-2011 school year, the rate of students educated outside the regular classroom for more than 60 percent of the day will decrease below the rate for the 2003-2004 school year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<p>A. Given a minimum N of 10, 50% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 12% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval.</p> <p>C. Given a minimum N of 10, 1.8% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval.</p>
2006 (2006-2007)	<p>A. Given a minimum N of 10, 48.5% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 12.5% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval.</p> <p>C. Given a minimum N of 10, 1.8% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval.</p>
2007 (2007-2008)	<p>A. Given a minimum N of 10, 48.5% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 12.5% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval.</p> <p>C. Given a minimum N of 10, 1.7% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval.</p>
2008 (2008-2009)	<p>A. Given a minimum N of 10, 49% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 12% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval</p> <p>C. Given a minimum N of 10, 1.5% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval</p>

<p>2009 (2009-2010)</p>	<p>A. Given a minimum N of 10, 50.5% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 11.5% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval.</p> <p>C. Given a minimum N of 10, 1.6% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval.</p>
<p>2010 (2010-2011)</p>	<p>A. Given a minimum N of 10, 52% of students with disabilities removed from regular class less than 21% of the day within a 95% confidence interval.</p> <p>B. Given a minimum N of 10, 11% of students with disabilities removed from regular class greater than 60% of the day within a 95% confidence interval.</p> <p>C. Given a minimum N of 10, 1.5% of students with disabilities served in public or private separate schools, residential placements, or to homebound or hospital placements within a 95% confidence interval.</p>

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Continue to provide technical assistance and support to LEAs to assist them in providing FAPE in the LRE	Ongoing	OPI Staff MPRRC CSPD Title Programs IHEs PLUK
Using compliance monitoring procedures, continue to review LEAs documentation to ensure placement decisions are made in accord with IDEA and state regulations	Ongoing	OPI Monitoring Staff
Continue to provide training for general education personnel on strategies to use in responding to students with disabilities needs in the regular education setting.	Ongoing	OPI Staff /Consultants CSPD Training Activities MPRRC Personnel Prep. Grant
Provide training on the use of technology as access to the general curriculum	Ongoing	CSPD
Continue to provide technical assistance to LEAs on educational practices that provide opportunities for children with disabilities to be educated with nondisabled peers	Ongoing	CSPD, MPRRC, Personnel Prep. Grant
Initiate training on Universal Design	2006-2007	Personnel Prep. Grant/OPI Staff and Consultants

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

[20 U.S.C. 1416(a)(3)(A)]

Overview

Parents of preschool-age children with disabilities face widely differing choices when selecting special education settings for children. This choice is often driven by location and suitability. Not all communities offer the same array of private day care, Head Start, private preschool etc. choices, especially in rural areas. The distribution of placement settings for 3, 4, and 5-year-old children with disabilities reflects these factors.

Montana's statutes and regulations ensure that all children with disabilities, including those who are 3, 4, and 5 years of age, receive a free appropriate public education (FAPE). However, no statutory authority requires public schools provide an educational opportunity for 3 and 4-year-old children, or children who have not yet reached 5 on or before September 10. Few, if any public school districts, offer general education preschool, but all offer FAPE. Montana's IDEA Part C program provides few placements outside of the home, so continuity between settings before and after the child turns 3 presents a challenge. Head Start provides the most universal, most diverse, culturally sensitive, and inclusive setting for preschool-age children; however, Head Start locations are limited.

Montana's state government currently has no initiatives aimed at establishing a universal, out of home, no- or low-cost, early childhood public education setting.

The OPI provides technical assistance and training to school personnel on addressing the needs of preschool children ages 3-5. Technical assistance activities have included working with LEAs preschool personnel and Head Start staff in developing interagency agreements to provide opportunities for young children with disabilities to be educated with their nondisabled peers. In addition, the OPI, through its state CSPD Council, has developed an Early Childhood committee to look at training strategies, as well as issues related to serving the preschool-age population.

Measurement:

Data Source: Child Count/618 Data

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.
Following is a description of data collection and measurement process.

Overview of Issue/Description of System or Process

The educational placement count of the students with disabilities, ages 3-5, is also a part of the larger child count data collection conducted on December 1 each year. Data definitions for educational placement used are the same as those used in reporting under Section 618 (Annual Report of Children Served).

For students with disabilities, ages 3-5, percentages were calculated on the following educational environment categories and definitions:

1. Early Childhood Settings: All (100%) special education and related services are provided in educational programs designed primarily for students without disabilities. No services are provided in separate special education settings.
2. Part-time Early Childhood/Part-time Early Childhood Special Education Settings: Special education and related services are provided in multiple settings, such that: (1) services are provided at home or in educational programs designed primarily for children without disabilities, and (2) services are provided in programs designed primarily for children with disabilities.
3. Home: All special education and related services are provided in the principal residence of the child's family or caregivers.

To calculate the percent of students with disabilities, ages 3-5, served in a particular educational environment, the following formula was used:

$$\frac{\# \text{ of students with disabilities, ages 3-5, in a particular educational environment}}{\# \text{ of students with disabilities, ages 3-5, in the state}} \times 100$$

The table below provides the percent of students with disabilities, ages 3-5, in specific educational environments.

Baseline Data for FFY 2004 (2004-2005)

Table 6.1 Montana's Education Placement for Student with Disabilities, ages 3-5

Students with disabilities, ages 3-5, School Year 2004-2005			
Setting of Service	Setting Count	Student Total	% of Total
Early Childhood Setting	595	1878	31.7%
Early Childhood/Early Spec Ed	429	1878	22.8%
Home	6	1878	0.3%

Discussion of Baseline Data

Preschool-age children with disabilities in Montana receive a free appropriate public education in a variety of settings as shown in Table 6.1 above. The child's age seems to be a critical factor in selection of setting in which special education and related services are provided. Early Childhood Special Education settings are most likely settings for children with disabilities who are 3 and 4 years of age, while Early Childhood settings are more likely for 5 year olds. This difference is due to the availability of kindergarten for 5 year olds as an early childhood setting, in contrast to the absence of regular education alternatives for younger children.

The number and percentage of children with disabilities who receive special education and related services in Early Childhood settings increases with each year, as does the number and percentage of children receiving services in both Early Childhood settings and Part-time Early Childhood/Part-time Early Childhood Special Education settings. This outcome indicates a coherent strategy for meeting complex needs of children with disabilities, using a combination of settings to meet identified needs.

Trend Data

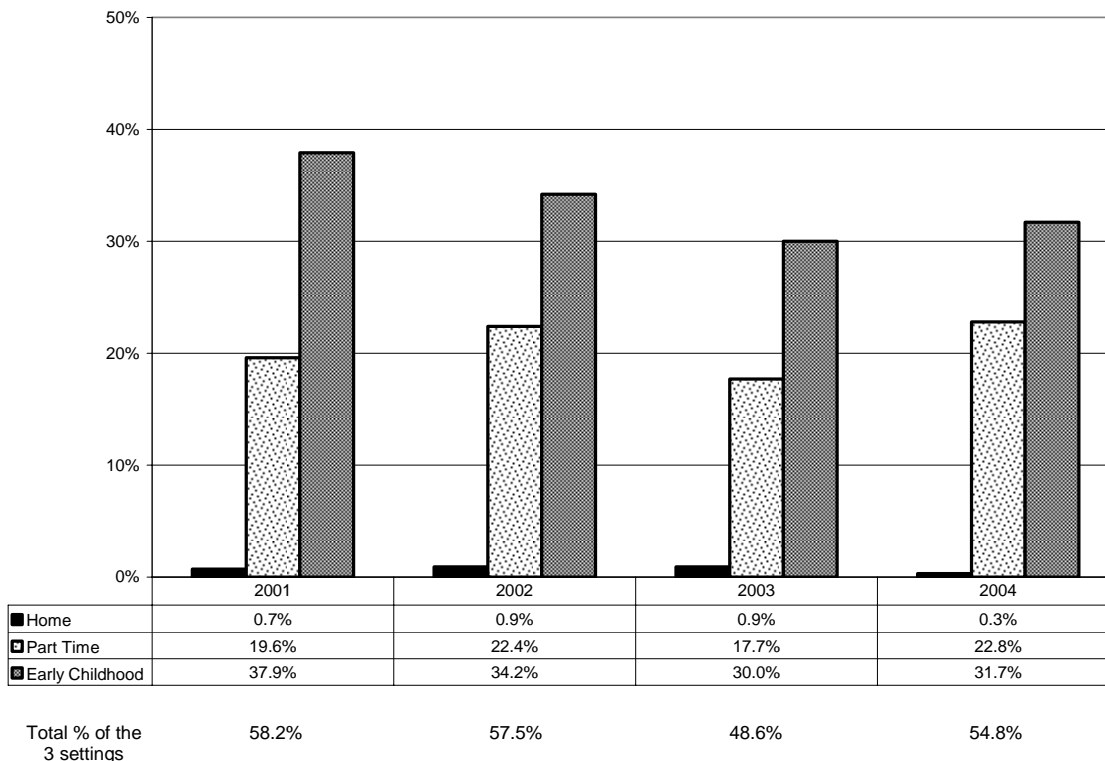
During the past four years, the percentage of children with disabilities who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings) has declined slightly. The overall percentage of all three setting categories varied between years, but ranged between 58.2 percent in 2001 to 54.5 percent in 2004.

Contributing to this decline were year-to-year variations in the percentages of children with disabilities reported in each setting:

- Home settings varied from a high of 0.9% in 2002 and 2003, to 0.3% in 2005;
- Early Childhood settings varied between 37.9% and 31.7%; and
- Part-time Early Childhood/Part-time Early Childhood Special Education setting percentages varied between 19.6% and 22.8%.

Generally, the percentage of children reported under the Early Childhood settings increased when the percentage of children reported as Part-time Early Childhood/Part-time Early Childhood Special Education setting decreased, and vice versa. Figure 6.1 illustrates these trends.

Figure 6.1 Percentage of preschool-age children with disabilities who received special education and related services in settings with typically developing peers during the past four years.



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No conclusion can be made based on trend-line data because of the variability and lack of consistency in the trend-line. The data shows a modest decrease between the first in the second year, a significant decrease the third year and a modest increase the fourth year. For this reason, targets for the first two years are set to show no change from the baseline year of 2004-2005. As intervention strategies are applied, the expectation is that in the third year the percentage of students placed in settings with typically developing peers should begin to show a gradual increase that will continue through the 2010-2011 school year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, the percent of children in Early Childhood Settings, Part-time Early Childhood/Part-time Early Childhood Sp Ed Settings, and Home Settings will maintain 54.8%, within a 95% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, the percent of children in Early Childhood Settings, Part-time Early Childhood/Part-time Early Childhood Sp Ed Settings, and Home Settings will maintain 54.8% within a 95% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, the percent of children in Early Childhood Settings, Part-time Early Childhood/Part-time Early Childhood Sp Ed Settings, and Home Settings will increase to 55.0% within a 95% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, the percent of children in Early Childhood Settings, Part-time Early Childhood/Part-time Early Childhood Sp Ed Settings, and Home Settings will exceed 55.2% within a 95% confidence interval.
2009 (2009-2010)	Given a minimum N of 10, the percent of children in Early Childhood Settings, Part-time Early Childhood/Part-time Early Childhood Sp Ed Settings, and Home Settings will exceed 55.4% within a 95% confidence interval.
2010 (2010-2011)	Given a minimum N of 10, the percent of children in Early Childhood, Part-time Early Childhood/Part-time Early Childhood Sp Ed Setting, and Home Settings will exceed 55.6% within a 95% confidence interval.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Increase the capacity to deliver special education and related services in kindergarten settings to reduce the number of 5 year olds in the Early Childhood Special Education settings by providing technical assistance focusing on kindergarten-focused communication, social-emotional-behavioral, and literacy interventions	2005-2006 Ongoing	NECTAC MPRRC OPI Staff CSPD/Early Childhood Committee
Increase technical assistance support for special educators who teach, consult, or mentor in Head Start settings or other early childhood settings beyond the public school	2005-2006 Ongoing	NECTAC MPRRC OPI Staff CSPD/Early Childhood Committee
Provide technical assistance support for special educators who teach, consult, or mentor in home-based setting by increasing collaborations with the IDEA Part C agencies	2005-2006 Ongoing	NECTAC MPRRC OPI Staff CSPD/Early Childhood Committee, Part C Agencies DDD/Part C

Monitoring Priority: FAPE in the LRE***Indicator 7: Percent of preschool children with IEPs who demonstrate improved:**

- A. Positive social-emotional skills (including social relationships);**
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and**
- C. Use of appropriate behaviors to meet their needs.**

[20 U.S.C. 1416 (a)(3)(A)]

Measurement:**A. Positive social-emotional skills (including social relationships):**

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{\# of preschool children who did not improve functioning}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{\# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{\# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $\left[\frac{\text{\# of preschool children who improved functioning to reach a level comparable to same-aged peers}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $\left[\frac{\text{\# of preschool children who maintained functioning at a level comparable to same-aged peers}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.

If a + b + c + d + e does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):

- a. Percent of preschool children who did not improve functioning = $\left[\frac{\text{\# of preschool children who did not improve functioning}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $\left[\frac{\text{\# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $\left[\frac{\text{\# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}}{\text{\# of preschool children with IEPs assessed}} \right] \times 100$.

- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

If a + b + c + d + e does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process:

Following is a description of the process used for the collection and reporting of data for this performance indicator. Revisions have been made to the original text to make it more readable. Additionally, tables have been removed when they provided data that was not required for the reporting periods.

To track child progress with respect to positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/ communication and early literacy); and use of appropriate behaviors to meet their needs, the OPI has implemented the following process. The IEP team rates each child's performance based on collecting and reviewing the following data:

- New evaluations or assessments,
- Classroom-based assessments and observations,
- Progress reports,
- Measures of present levels of academic achievement and functional performance (PLAAFP) or other data, including appropriate assessments conducted by Part C agencies for children who transition between the two IDEA programs, and
- Other measures of student performance, including parent report.

Evaluation, assessment, and observation results, obtained from valid and reliable instruments and reliably administered procedures, form the basis of the team's ratings. After a review of all relevant data, the team completes the Early

Childhood Outcomes (ECO) Center Child Outcomes Summary Form (COSF). This form is intended to summarize multiple sources of information as a method to report progress in the three developmental areas. The Child Outcomes Summary Form (COSF) will be maintained as a part of the child's education record.

The OPI requires IEP teams to use one or more of the valid and reliable instruments that are included on the Early Childhood Outcomes (ECO) Center's Instrument Crosswalks to assess the child's level of performance at entry and exit. Requiring an "Instrument Crosswalks" assessment ensures that IEP teams will use an appropriate and valid assessment to determine child progress and ensures that different IEP teams are completing the COSF in a consistent manner.

Training for Preschool staff members on the use of the COSF did not occur during FFY 2007 as originally anticipated. Training for Preschool staff and development of written technical assistance materials will occur during the 2008-2009 school year. The Child Count and Exiting data reporting manuals were updated in FFY 2007 to include the correct reporting requirements regarding Preschool Outcomes data. In addition, the OPI staff members continued to provide 'on time' technical assistance and support to IEP teams. The purpose of this technical assistance is to ensure that the COSFs are completed accurately and reliably. Both written and Web-based materials will be developed to provide ongoing support for special education teachers, speech and language pathologists, parents, and other IEP team members.

The COSF is to be completed on each child entering the program by the IEP team. A special education specialist(s), with appropriate IEP team input will conduct an assessment and complete the COSF for any child with entry data and who has been in the program for at least six months, and is exiting preschool-age services. The same procedures used to complete the COSF at entry (e.g., using multiple data sources, using an assessment that has an ECO Instrument Crosswalk, gathering input from the IEP team, assigning a rating on the COSF) will be used at exit. This will allow the OPI to compare exit to entry scores on each of the three developmental areas. To actually calculate the number and percentage of children who are in each of the official five reporting categories, the OPI will use the "COSF to OSEP Categories Calculator" to determine how each pair of entry-exit ratings from the seven-point COSF scale yields the five-point scale measuring this performance indicator.

Since this data collection is a part of each student's IEP, the content will be included as part of the electronic special education records student information and management system (SERIMS) within the Accountability in Montana (AIM) system. The OPI will reference the Early Childhood Outcomes website, which offers detailed instructions for calculating each of the variables required to address the OSEP indicator.

Defining "Comparable to same-aged peers"- Revised for FFY 2007

"Comparable to same-aged peers" is defined as a score of 6 or 7 on the COSF. This follows the recommendation of the ECO Center.

Baseline Data for FFY 2007 (2007-2008 School Year):

The OPI uses its electronic child count reporting system to collect preschool outcome data. Entry data for FFY 2005 was collected as a part of the December 1, 2006, child count reporting and continues to collect entry data annually. The FFY 2007 performance data for children exiting preschool-age services were collected in June 2008 as a part of the 'exiting' data collection procedures. The LEAs were given written guidance on how to report performance. In addition, on-time technical assistance was always available to LEAs throughout the reporting period. The OPI implemented verification procedures to ensure all LEAs provided the data required. In addition, as a part of school improvement/compliance monitoring procedures, monitoring specialists reviewed selected student files to ensure IEP teams documented a child's performance level on the IEP.

For FFY 2007 (2007-2008 school year), 118 preschool children with entry-level data, exited a preschool program between July 1, 2007 and June 30, 2008. Table 7.1 below show the number and percentage of preschool children and their preschool outcome ratings between entry and exit.

Table 7. 1. Number and Percent of Preschool Children and Preschool Outcomes for FFY 2007

A. Positive Social-Emotional Skills (Including social relationships)	Number	Percentage
a: Children who did not improve functioning	5	4%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	1	1%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	24	20%
d: Children who improved functioning to reach a level comparable to same-aged peers	29	25%
e: Children who maintained functioning at a level comparable to same-aged peers	59	50%
Total	118	100%
B. Acquisition and Use of Knowledge and Skills (including early language/communication and early literacy)	Number	Percentage
a: Children who did not improve functioning	3	3%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	4	3%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	49	42%
d: Children who improved functioning to reach a level comparable to same-aged peers	51	43%
e: Children who maintained functioning at a level comparable to same-aged peers	11	9%
Total	118	100%
C. Use of Appropriate Behaviors to Meet Their Needs	Number	Percentage
a: Children who did not improve functioning	4	3%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	3	3%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	24	20%
d: Children who improved functioning to reach a level comparable to same-aged peers	19	16%
e: Children who maintained functioning at a level comparable to same-aged peers	68	58%
Total	118	100%

Discussion of Baseline Data:

Table 7.1 indicates that **96** percent of the preschool children improved or maintained functioning in social-emotional skills, **97** percent improved or maintained functioning in acquiring knowledge and skills, and **97** percent improved or maintained functioning in taking appropriate action.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	To be determined.
2006 (2006-2007)	To be determined.
2007 (2007-2008)	To be determined.
2008 (2008-2009)	To be determined.
2009 (2009-2010)	To be determined.
2010 (2010-2011)	To be determined.

Improvement Activities/Timelines/Resources:

The OPI, through the leadership of the state CSPD Council, formed an Early Childhood Partnerships for Professional Development (ECPPD) committee. The ECPPD collaborates on training strategies to enhance the professional competencies of individuals who provide quality care and education services for all young children and their families. The committee works to develop appropriate professional development activities that will reach the needs across all programs and agencies to improve children's knowledge and skills and to prepare them for successful outcomes in school.

The OPI received notice that Montana had been selected to receive Center on Early Literacy Learning (CELL) Specialized Technical Assistance beginning in 2008. This technical assistance focuses on early literacy and learning, incorporating the best of evidence-based practices in early childhood settings. The CELL is a research-to-practice technical assistance center funded by the U.S. Department of Education, Office of Special Education Programs, Research to Practice Division. The main goal of CELL is to promote the adoption and sustained use of evidence-based early literacy learning practices by early childhood intervention practitioners, parents, and other caregivers of young children, birth to five years of age, with identified disabilities, developmental delays, and those at-risk for poor outcomes. The CELL specialized technical assistance activities will be incorporated into Montana's Comprehensive System of Personnel Development (CSPD) system, encouraging local and regional partners in early literacy. At least one, state-level event technical assistance activity will occur in FFY 2007 (2007-08), either in conjunction with the Council for Exceptional Children Conference in April or in the fall aligned with the other professional conferences. The OPI and CELL staff will meet to plan the technical assistance activities that address Montana's professional development needs regarding early literacy learning. For more information about the CELL project, please click on the following link: <http://www.earlyliteracylearning.org/>.

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Improvement Activities	Timelines	Resources
The OPI will work with the contractor for SERIMS to ensure the system includes all data reporting requirements	Implementation beginning in 2008-2009	OPI Staff
Develop a brief training guide and other materials for IEP teams. This guide would be supplemented by a Power Point presentation and Camtasia based, web-resident media presentation describing how to collect performance information as required for this indicator.	2008-2009	OPI Staff MPRRC ECO
Provide statewide training and guidance for IEP teams	Ongoing	OPI Staff CSPD/ECPPD ECO MPRRC
Provide telephone support and on-site training, as needed.	Ongoing	OPI Staff CSPD/ECPPD MPRRC
Provide professional development and training to personnel providing services to preschool-age children on scientific, research-based strategies related to positive social emotional skills, use of appropriate behaviors and acquisition and use of knowledge and skills, including early language/communication and literacy.	Ongoing	OPI staff MPRRC CSPD ECPPD MSHA ECO CELL

Monitoring Priority: FAPE in the LRE

***Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.**

[20 U.S.C. 1416(a)(3)(A)]

This is a new performance indicator. The OPI has not previously collected this data from parents. However, Montana has a long-standing history of including parents in education decision making. Through state administrative rule, Montana included parents as members of the evaluation team and placement team long before federal regulations made parents a required member.

The OPI works closely with LEAs and Parents, Let's Unite for Kids (PLUK), the parent training information (PTI) center, to help ensure parents of students with disabilities are knowledgeable of special education laws and rules and their role as parents in special education decisions. In addition, the OPI implements an Early Assistance Program that is available to both parents and school personnel for the purpose of informal resolution when disagreements or concerns arise. Through this process the OPI staff work to facilitate parent participation in the special education process by improving communication between the LEA and parents and by providing parents education regarding their rights and responsibilities. In some LEAs, home school coordinators are employed as liaisons between the home and the school for the purposes of assisting parents in better understanding special education procedures and laws/rules and, as appropriate, to translate information for the parent into their primary language.

Montana school accreditation standards require all schools to be engaged in an ongoing comprehensive school improvement process that uses a stakeholder group, including parents, in data-driven improvement planning. The OPI Division of Special Education staff are available to answer questions parents or school personnel may have. Joint training opportunities for school personnel and parents are supported through the use of IDEA Part B and personnel preparation funds and provided through collaboration with PLUK, professional organizations and CSPD activities. Parents of students with disabilities are active members of the State Special Education Advisory Panel. As panel members, they serve in an advisory capacity and make recommendations to the OPI on parent involvement. Montana has had a long-standing belief that the involvement of parents in educational decision making leads to better outcomes for students.

Measurement:

Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

Overview of Issue/Description of System or Process

The purpose of the Parent Survey is to assist the OPI in determining the extent to which schools are facilitating parent involvement.

The OPI used a paper-and-pencil, slightly-modified version of the 26-item National Center for Special Education Accountability Monitoring (NCSEAM) Part B K-12 survey. A few items were modified in order

to make the survey appropriate for parents of children age 3-5. The survey was structured so that survey results could be linked to the LEA. The OPI contracted with Mountain Plains Regional Resource Center (MPRRC) for assistance with the data collection, data analysis, and report writing for this indicator.

The OPI employed a sampling methodology to gather data for this indicator. The sampling process was conducted in accord with the OPI's five-year compliance monitoring cycle. The cycle annually ensures statewide representation of LEAs through representation of large, small, urban, and rural LEAs and broad representation of parents of children with disabilities across the spectrum of disabilities. All parents of children with disabilities within the schools identified in the monitoring cycle are included in the sample. At the end of the five-year cycle, all parents of children with disabilities will have had an opportunity to respond to the survey instrument. The sampling methodology was reviewed by the Office of Special Education Programs (OSEP) and in an e-mail received from Larry Wexler, Deputy Director of Monitoring and State Improvement Planning on it was stated, "...Thank you for your letter dated March 29, 2006, in which you provided additional information on how Montana plans to collect baseline data for performance indicator eight of your State Performance Plan. Your sampling plan for Indicator eight, as revised, is consistent with the State Performance Plan sampling directions..."

In September 2006, for those LEAs who were to be monitored in the 2006-07 school year, all parents of students ages 3-21 receiving special education services during the 2005-06 school year were asked to complete and then mail the survey to MPRRC. Parents were assured of anonymity. A total of 3,355 surveys were mailed and 540 were returned for a response rate of 16.1 percent.

Because of the low response rate, a random sample of 50 parents were called and asked five key questions from the Parent Survey. The responses of the phone interviewees were compared to the responses of those who completed and mailed the Parent Survey. A "percent of maximum" score based on the five items was calculated for each respondent. A respondent who answered each of the five items a "6" (Very Strongly Agree) received a 100 percent score; a respondent who answered each item a "1" (Very Strongly Disagree) on each of the five items received a 0 percent score. A respondent who answered each item a "4" (Agree) on each of the five items received a 60 percent score. The mean percent of maximum score for the phone respondents (66%) was not significantly different from the mean percent of maximum score for the mail respondents (65%). Thus, the phone respondents were no more or no less satisfied than the mail respondents; as such, nonresponse bias is not present. This suggests that the results based on the mail respondents are representative of all parents of students with disabilities.

In order to report on this indicator, the OPI reviewed the items on the written survey to determine which of the 26 items related to the concept of the schools' "facilitating parent involvement." The OPI determined that all 26 items on the Parent Survey related to this indicator.

Each survey respondent received a percent of maximum score based on their responses to all 26 items. A respondent who rated their experiences with the school a "6" (Very Strongly Agree) on each of the 26 items received a 100 percent score; a respondent who rated their experiences with the school a "1" (Very Strongly Disagree) on each of the 26 items received a 0 percent score. A respondent who rated their experiences with the school a "4" (Agree) on each of the 26 items received a 60 percent score. (Note: a respondent who on average rated their experiences a "4", e.g., a respondent who rated 8 items a "4," 9 items a "3" and 9 items a "5," would also receive a percent of maximum score of 60%.)

The representativeness of the surveys was assessed by examining the demographic characteristics of the children of the parents who responded to the survey to the demographic characteristics of all special education students. This comparison indicates the results are representative (1) by geographic region where the child attends school; (2) by size of district where the child attends school; (3) by the race/ethnicity of the child; and (4) by the age of the child. For example, 88% of the parents who returned a survey indicated that their children are white and 82% of special education students in the monitored districts are white.

Furthermore, a cross-section of parents with children of various types of disabilities responded to the survey. Weighting of survey responses was not necessary given the representativeness of the respondents and the lack of significant differences among groups of respondents.

The OPI, with recommendations from the Montana Special Education Advisory Panel, determined that a 60 percent cut score represented the most-appropriate cut score. A 60 percent cut-score is representative of a parent who, on average, agrees with each item; as such, the family member is agreeing that school facilitated their involvement. The Special Education Advisory Panel did not believe it was appropriate to insist that respondents “strongly agree” (a cut score of 80%) or “very strongly agree” (a cut score of 100%) that the school facilitated their involvement in order for the respondent to be counted as someone who believes that the school facilitated parent involvement. Thus, any parent who had a percent of maximum score of 60 percent or above was identified as one who reported that the school facilitated his/her involvement.

Baseline Data for FFY 2005 (2005-2006)

The following table shows that 65.5 percent of parents reported that the school facilitated their involvement.

Table 8.1 Percentage of parents who state that the school facilitated their involvement

	School facilitated parent involvement
2005 (2005-2006)	65.5%

Discussion of Baseline Data

The first year of data collection indicates that the majority of parents believe that the LEAs facilitate their involvement; 65.5 percent of parents state that their child’s school facilitated their involvement.

While this overall “parent involvement” percentage provides a benchmark of the extent to which schools are encouraging and facilitating parent involvement, the OPI has also reviewed individual item results to determine specific areas in which the schools and the OPI can make improvements in how they communicate with and relate to parents of special education students. The LEAs will be given their survey results so that they might also target specific areas for improved parent involvement.

The OPI is concerned about the low response rate. The response rate of 16.1 percent is lower than desired. Even though the phone interviews suggest that nonresponse bias is not present, the OPI will be working with the LEAs and with PLUK to encourage all parents to complete and return the survey. Beginning with the 2006-07 school year, the survey will be administered in the spring of each year. The LEAs will be encouraged to distribute the survey to parents in person such as at the regularly scheduled IEP meeting. This in-person distribution method should result in a higher response rate this year than last year. Provision of the survey in an electronic format will also be explored as one of the options for collecting survey responses.

Performance targets were established based on the recommendation and advice of the Special Education Advisory Panel. The Panel felt strongly that it would be difficult to move parents from a category of agree to “strongly agree.”

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, the Parent Involvement Percentage will be 65.5% within a 95% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, the Parent Involvement Percentage will be 65.5% within a 95% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, the Parent Involvement Percentage will be 65.5% within a 95% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, the Parent Involvement Percentage will be 66% within a 95% confidence interval.
2009 (2009-2010)	Given a minimum N of 10, the Parent Involvement Percentage will be 67% within a 95% confidence interval.
2010 (2010-2011)	Given a minimum N of 10, the Parent Involvement Percentage will be 68% within a 95% confidence interval.

Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines	Resources
The OPI will continue to work with the parent training and information center, Parents, Let's Unite for Kids (PLUK), to seek and encourage parents to become involved with their child's educational program.	Ongoing	MPRRC PLUK OPI
The OPI, with the support of its regional CSPD structure, will share strategies and best practices with school personnel and LEAs on improving parental involvement.	Ongoing	CSPD MPRRC PLUK OPI
The OPI will continue to make available special education information on its Web site to keep parents informed.	Ongoing	OPI
The OPI will develop technical assistance documents to provide LEA staff with effective strategies for facilitating parental involvement in special education.	Ongoing	OPI

Monitoring Priority: Disproportionality

***Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the *result of inappropriate identification*.**

[20 U.S.C. 1416(a)(3)(C)]

Overview of Issue/Description of System or Process

Montana is a state with little racial diversity. Our largest minority group is composed of American Indians. We are home to seven Indian reservations and 12 distinct tribal groups. The state's racial makeup is as follows: White 90.6 percent, American Indian 6.2 percent, Hispanic 2 percent, Asian .6 percent, Black .3 percent, Other .6 percent (2000 Census). Although 6.2 percent of Montana's population is American Indian, American Indians comprise over 11.3 percent of the state's K-12 students and over 14.7 percent of the population of students with disabilities. One-half of Montana's American Indian population is clustered around seven reservations, while the remaining half live in the state's urban areas. Of 852 schools in Montana, 641 (75%) have enrollments of less than 250 students. When making judgments of disproportionate representation, it is critical to keep in mind the results of the identification rate calculation due to small numbers within each racial/ethnic and disability subgroup.

In an effort to be more culturally responsive to our American Indian population, in 1999 the legislature approved "Indian Education for All." One of the intents of this legislation is to improve educational outcomes for American Indian students. In state fiscal year 2005, the legislature significantly increased funding for Indian Education for All. This resulted in the OPI establishing a Division of Indian Education for the purpose of providing technical assistance and support to LEAs on improving instructional practices for Indian students and to incorporate culturally responsive instructional materials as a part of their curriculum in all Montana schools. These efforts, as well as LEAs movement to incorporate early intervening strategies with a focus on response to intervention, are expected to have a positive impact by reducing disproportionate representation in special education.

The OPI maintains a copy of all LEAs' evaluation, identification and placement policies and reviews these policies to ensure they are race/ethnic neutral. Additionally all LEAs are required to implement and document general education's interventions to help ensure that referrals made to special education are based on instructional need and not on factors of race/ethnicity. The OPI ensures LEA compliance with these requirements through its General Supervision activities. These include the review of LEAs' policies and procedures to ensure compliance with IDEA and state laws and rules, compliance monitoring of all LEAs, State-Supported Programs, and State-Operated Programs on a cyclical basis to ensure implementation of policies as contained in the LEAs' approved Program Narrative and Focused Intervention activities.

Measurement:

Data Source: Child Count/618 data

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is *the result of inappropriate identification* divided by # of districts in the state times 100.

Include state's definition of "disproportionate representation."

Describe how the state determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Following is a description of how the OPI will calculate special education identification rates for each LEA:

The rate is calculated by determining the proportion of students with disabilities of a specific racial/ethnic category receiving special education and related services based on the district's student population (enrollment count). The formulas are as follows:

- Specific racial/ethnic category of interest:

Number of students with disabilities receiving special education and related services of the specific racial/ethnic category divided by the number of students of the specific racial/ethnic category enrolled in the school. (e.g., American Indian/Alaskan Native)

- Comparison group – all other students with disabilities in all other racial/ethnic categories:

Number of other students with disabilities receiving special education and related services in all other racial/ethnic categories divided by the number of students in all other racial/ethnic categories enrolled in the school. (e.g., Hispanic + Black + ...)

Note: The identification rate is calculated for each racial/ethnic category for all disabilities.

The OPI then compares the identification rate of a specific racial/ethnic category in all disabilities to the identification rate of students in all other racial/ethnic categories and using statistical methods, measures the size of difference between the two proportions to determine if the size of difference is statistically significant **and results in a determination of disproportionate representation**. In this case, the term *statistically significant* means that, using a *level of significance of .01*, we can be **99** percent confident that the size of difference between the two proportions is large enough to indicate that there is a relationship between the racial/ethnic and disability categories within the population from which the data was drawn that cannot be attributed to random chance.³

Data Limitations

- 1) A statistically significant difference **identifies disproportionate representation, but it cannot determine if the disproportionate representation is the result of inappropriate identification. Therefore, following the determination of disproportionate representation, the OPI conducts a review of LEA policies, practices and procedures to ensure identification is not the result of inappropriate identification. If, following a review of an LEA's policies, practice and procedures, the OPI determines that identification is the result of inappropriate identification, corrective actions with specified timelines are given to the LEA and the LEA is required to provide public notice of its revision(s) to policies, practices and/or procedures.**
- 2) In addition, caution must be used when evaluating the results of the identification rate calculation due to small numbers within each racial/ethnic and disability subgroup. Although the calculation procedure uses a minimum N of 10, the number of students enrolled for racial minority and

³ Levin, Jack (2003). *Elementary Statistics in Social Research*. p. 219. Boston, MA: Pearson Education Group, Inc.

disability subgroups are still relatively low, especially in small rural schools, and, therefore, the calculation procedure also uses a confidence interval to obtain more precise and reliable results.

Currently, Montana does not have an individual student information system and, therefore, cannot track individuals across schools and school years. The OPI collects aggregate enrollment each October and special education data each December, which carries with it the risk of misclassification of student data (i.e., reporting a student's race/ethnicity inconsistently between the two data collections). Further, the data collection of students enrolled in the school includes students with disabilities and cannot be disaggregated. Therefore, comparisons made between students with disabilities and students without disabilities must be done with caution.

Description of System or Process

Beginning school year 2005-2006, the OPI will implement procedures to determine whether an LEA has disproportionate representation based on inappropriate identification procedures. The process will include a state-level review of LEA data to identify LEAs that are calculated to have a *statistically significant difference in identification rates* resulting in the determination of disproportionate representation. When analysis of an LEA's data shows there is disproportionate representation (either over or under), the OPI informs the LEA of its determination and conducts a review of LEA policies, practices and procedures to ensure identification is not the result of inappropriate identification. The LEA review includes review of selected student files, review of LEA policies, practices and procedures and selected interviews with LEA staff. If, following the review, the OPI determines that identification is the result of inappropriate identification, corrective actions with specified timelines are given to the LEA and the LEA is required to provide public notice of its revision(s) to policies, practices and or procedures.

The OPI maintains a monitoring tracking system to ensure that corrective actions are completed within the required timelines and LEAs have provided the required documentation to demonstrate change.

Definition of Disproportionate Representation

An LEA is determined to have disproportionate representation (under or over) if, given a minimum N of 10, an LEA demonstrates a statistically significant difference in the proportion of students with disabilities of a specific race/ethnicity group receiving special education and related services compared to the proportion of students with disabilities in all other race/ethnicity groups receiving special education and related services in that LEA, within a 99 percent confidence interval.

Baseline Data for FFY 2005 (2005-2006)

Baseline data was collected during the 2005-2006 school year. The OPI, identified eight LEAs as having a disproportionate representation of racial and ethnic groups in special education. Baseline data indicate that three LEAs were identified as having an *over-representation* of American Indian/Alaskan Native receiving special education and related services, and five were identified as having *under-representation* of White receiving special education and related services. After further review, it was determined that none of these LEAs identified with disproportionate representation were determined to have disproportionate representation due to inappropriate identification. The following table presents the results of the identification of LEAs with disproportionate representation and whether the disproportionate representation was based on inappropriate identification procedures.

Table 9.1 Percent of LEAs Identified with Disproportionate Representation Due to Inappropriate Identification Procedures for the 2005-2006 School Year - Revised

School Year	Number of LEAs Reviewed (a)	Number of LEAs Identified With Disproportionate Representation	Number of LEAs Identified With Disproportionate Representation Due to Inappropriate Identification Procedures (b)	Percent of LEAs Identified With Disproportionate Representation Due to Inappropriate Identification Procedures % = (b/a) * 100
2005-2006	433	8	0	0.0%

Discussion of Baseline Data

The OPI conducted a review of each of the LEAs' policies, practices and procedures to determine if disproportionate representation was the result of inappropriate identification. None of the eight LEAs initially identified as having a disproportionate representation were determined to have disproportionate representation as a result of inappropriate identification.

Additionally, there were no written complaints, due process hearings or corrective actions issued in 2005-2006 related to inappropriate identification based on race or ethnicity.

There was 0 percent of LEAs in 2005-2006 identified with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
2009 (2009-2010)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
2010	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial

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(2010-2011)	and ethnic groups in special education and related services resulting from inappropriate identification is 0% within a 99% confidence interval.
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Improvement Activities/Timelines/Resources

Improvement Strategies	Timelines	Resources
The OPI will provide comprehensive training to selected LEAs regarding the use of Response to Intervention (Rtl) .	Ongoing	OPI staff Consultants U. of Montana CSPD
The OPI will provide training and technical assistance to LEAs on Early Intervening strategies.	Ongoing	OPI Staff/Consultants MPRRRC NCCRESt
The OPI will continue collaboration with Reading First on early intervention strategies.	Ongoing	OPI staff LEAs
Provide technical assistance to schools in collaboration with the Division of Indian Education for All on instructional strategies in general education that may lead to fewer American Indian students identified as needing special education.	Ongoing	OPI staff CSPD

Monitoring Priority: Disproportionality

***Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

[20 U.S.C. 1416(a)(3)(C)]

Overview

Refer to overview under performance indicator #9.

Because our LEAs are so small, and disaggregation of the data into even smaller categories of race/ethnicity, extreme caution must be taken when making a determination of disproportionate representation. There are many factors, aside from educational practices, which may affect the representation of a racial/ethnic group in specific disability categories.

The OPI has not had any due process hearings, mediations, complaints or compliance finding related to disproportionate representation or inappropriate identification of racial or ethnic groups in specific disability categories.

Measurement:

Data Source: Child Count/618 data

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the state times 100.

Include state's definition of "disproportionate representation."

Describe how the state determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process

Beginning school year 2005-2006, the OPI will implement procedures to determine whether an LEA has disproportionate representation of racial and ethnic groups *in specific disability categories that is the result of inappropriate identification*. The process will include a state-level review of LEA data to identify LEAs that are calculated to have a *statistically significant difference* by racial and ethnic groups in specific disability categories. An LEA will be determined to have disproportionate representation if, given a minimum N of 10, an LEA demonstrates a statistically significant difference in the proportion of students with disabilities of racial/ethnic groups within a specific disability category receiving special education and related services compared to the proportion of students with disabilities racial/ethnic groups within all other disability categories receiving special education and related services in that LEA, within a 99 percent confidence interval.

When analysis of an LEA's data shows there is disproportionate representation, the OPI will inform the LEA of its determination and conduct a review of LEA policies, practices and procedures to ensure

identification is not the result of inappropriate identification. The LEA review includes review of selected student files, review of LEA policies, practices and procedures and selected interviews with LEA staff. If following the review, the OPI determines that identification is the result of inappropriate identification, corrective actions with specified timelines will be given to the LEA and the LEA will be required to provide public notice of its revision(s) to policies, practices and or procedures.

The OPI maintains a monitoring tracking system to ensure that corrective actions are completed within the required timelines and LEAs have provided the required documentation to demonstrate change.

Definition of Disproportionate Representation

An LEA is determined to have disproportionate representation (under or over) if, given a minimum N of 10, an LEA demonstrates a statistically significant difference in the proportion of students with disabilities of racial/ethnic groups within a specific disability category receiving special education and related services compared to the proportion of students with disabilities racial/ethnic groups within all other disability categories receiving special education and related services in that LEA, within a 99 percent confidence interval.

An LEA's special education identification rate will be calculated by determining the proportion of students with disabilities of a specific racial/ethnic category identified with a particular disability based on the LEA's student population (enrollment count). The formulas are as follows:

- Specific racial/ethnic and disability category of interest:

Number of students with disabilities of the specific racial/ethnic and disability category divided by the number of students of the specific racial/ethnic category enrolled in the school (e.g., American Indian/Alaskan Native and Autism).

- Comparison group – all other students with disabilities and racial/ethnic categories:

Number of other students with disabilities in a specific disability category divided by the number of students in all other racial/ethnic categories enrolled in the school (e.g., [Hispanic-Autism] + [Black-Autism] + ...).

Note: The identification rate will be calculated for each disability and racial/ethnic category combination. The OPI will then compare the identification rate of a specific racial/ethnic category in a particular disability to the identification rate of all other students in the same disability category and using statistical methods, will measure the *size of difference* between the two proportions to determine if the size of difference is statistically significant. In this case, the term *statistically significant* means that, using a minimum N of 10 and a *level of significance of .01*, we can be 99 percent confident that for districts with an N of 10 or greater, the size of difference between the two proportions is large enough to indicate that there is a relationship between the racial/ethnic and disability categories within the population from which the data was drawn that cannot be attributed to random chance.⁴

⁴ Levin, Jack (2003). *Elementary Statistics in Social Research*. p. 219. Boston, MA: Pearson Education Group, Inc.

Data Limitations

A review of data alone does not result in a determination of inappropriate identification. When an LEA is identified as having disproportionate representation further investigation is conducted to determine if there is disproportionate representation in disability categories as a result of inappropriate identification.

In addition, caution must be used when evaluating the results of the identification rate calculation due to small numbers within each racial/ethnic and disability subgroup. Although our calculation uses a minimum N of 10, the number of students enrolled for racial minority and disability subgroups are still relatively low, especially in small rural schools, and, therefore, a confidence interval is applied to obtain more precise and reliable results.

Currently, Montana does not have an individual student information system and, therefore, cannot track individual students across LEAs and school years. The OPI collects aggregate enrollment each October and special education data each December, which carries with it the risk of misclassification of student data (i.e., reporting a student's race/ethnicity inconsistently between the two data collections). Further, the data collection of students enrolled in the LEA includes students with disabilities and cannot be disaggregated. Therefore, comparisons made between students with disabilities and students without disabilities must be done with caution.

Baseline Data for FFY 2005 (2005-2006)

Baseline data was collected during the 2005-2006 school year. The OPI, identified three LEAs as having disproportionate representation of racial and ethnic groups in *specific disability categories*. Of the three LEAs, two LEAs were identified as having an *over-representation* of American Indian/Alaskan Native students identified in the disability category of learning disabled and one LEA was identified as having an *under-representation* of White students identified in the disability category of learning disabled. Further review of these LEAs indicates that the disproportionate representation was not due to inappropriate identification procedures. The following table presents the results of the identification of LEAs with disproportionate representation and whether the disproportionate representation was based on inappropriate identification procedures.

Table 10.1 LEAs Identified with Disproportionate Representation by Race/Ethnicity and Disability for the 2005-2006 School Year – Revised

School Year	Number of LEAs Reviewed (a)	Number of LEAs Identified With Disproportionate Representation	Number of LEAs Identified With Disproportionate Representation Due to Inappropriate Identification Procedures (b)	Percent of LEAs Identified With Disproportionate Representation Due to Inappropriate Identification Procedures % = (b/a) * 100
2005-2006	433	3	0	0.0%

Discussion of Baseline Data

The OPI conducted a review of each of the LEAs policies, practices and procedures to determine if disproportionate representation was the result of inappropriate identification. None of the three LEAs initially identified as having disproportionate representation were determined to have disproportionate representation as a result of inappropriate identification.

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Additionally, there were no complaints or due process hearings related to inappropriate identification based on race or ethnicity in a disability category.

There was 0 percent of LEAs in 2005-2006 identified with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.
2006 (2006-2007)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.
2007 (2007-2008)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.
2008 (2008-2009)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.
2009 (2009-2010)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.
2010 (2010-2011)	Given a minimum N of 10, the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification is 0% within a 99% confidence interval.

Improvement Activities/Timelines/Resources

Improvement Strategies	Timelines	Resources
The OPI will provide training and technical assistance to LEAs on Early Intervening strategies.	Ongoing	OPI Staff NCCREST
The OPI will continue collaboration with Reading First on early intervention strategies.	Ongoing	OPI staff CSPD
Provide technical assistance to schools in collaboration with the Division of Indian Education for All on instructional strategies in general education that may lead to fewer American Indian students identified as needing special education.	Ongoing	OPI staff CSPD
The OPI will provide comprehensive training to selected LEAs regarding the use of Response to Intervention (RtI).	Ongoing	OPI staff CSPD Consultants University of Montana

Monitoring Priority: FAPE in the LRE

***Indicator 11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).**

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

Overview of Issue/Description of System or Process

Previous to IDEA 2004, the OPI did not have a formal policy on timelines for completion of eligibility determination following receipt of parent permission to evaluate. However, following the passage of IDEA 2004, the OPI adopted the 60-day timeline and incorporated this indicator as a part of its compliance monitoring reviews. The OPI provided training for special education personnel on the 60-day requirement for completion of evaluation. Compliance reviews are conducted on a five-year cycle and are composed of a review of a sampling of student records to determine compliance with IDEA regulations and state rules. This compliance monitoring process is described in detail under performance indicator #15.

As a part of the compliance monitoring process, monitors select a sampling of special education records for students who have been initially evaluated for special education services. In conducting their review, they compare the date of the LEA's receipt of written parent permission for evaluation to the date that the evaluation was completed to ensure that the evaluation was conducted in accord with the 60-day timeline.

It is anticipated that this data will be collected and reported on for all students initially evaluated during a school year effective with the full implementation of the special education records and information management system (SERIMS).

Baseline Data for FFY 2005 (2005-2006 school year)

A total of 75 LEAs were monitored during the 2005-2006 school year. As a part of the compliance monitoring process, a total of 156 records of students who were initially evaluated for special education were reviewed. Of these students, 43 were determined not eligible for special education services and 102 were identified as IDEA-eligible. One hundred forty-five or 93 percent of the eligibility determinations for the 156 records reviewed, were made within the required 60-day timeline. The range of delays beyond the 60-day timeline ranged from two weeks to five months. The most frequent of the range was 2-3 weeks.

Discussion of Baseline Data

There are a number of factors which could account for the perceived delay in completing the evaluation within the 60-day time line. The LEAs do not date stamp on the evaluation form the date that signed permission for evaluation was received. Therefore, an evaluation form may have been signed and dated by the parent, but the form may not have been received by the LEA until a later date. Monitors determine completion of the evaluation by comparing the date of the parent signature on the permission to evaluate form to the date on the Child Study Team (CST) meeting document. There are instances when the evaluation was, in fact, completed but the meeting date was held beyond the 60-day timeline. There was one case identified in which a special education teacher reported that the request for evaluation was not immediately given to her, but when it was received the evaluation was completed within two weeks. When the student information system is fully implemented, it will document the date that written parent consent was received by the LEA.

Analysis of data showed that incidences of not meeting the 60-day timeline was a sporadic event. In other words, monitors did not identify any LEA which had a pattern of practice of not responding to written parent consents for evaluations or delaying completion of the evaluation. If there is a finding that an LEA has a pattern of practice that results in a delay of completion of the evaluation, monitors would require the LEA to take immediate corrective actions.

Based on 2005-2006 data of 156 records reviewed, 93 percent of initial evaluations conducted were completed within the 60-day timeline.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).
2006 (2006-2007)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).
2007 (2007-2008)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).
2008 (2008-2009)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).
2009 (2009-2010)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).
2010 (2010-2011)	100% of children, with parental consent to evaluate, were evaluated within 60 days unless there was an exception to the timeframe in accord with the provisions stated in Sec. 614(a)(1)(C)(ii).

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Improvement Activities/Timelines/Resources

Improvement Strategies	Timelines	Resources
Provide technical assistance and training to LEAs on timeline requirements.	Ongoing	OPI Staff CSPD MPRRC
The OPI will provide training to LEA staff regarding the use of the special education module in AIM.	Implementation beginning in 2008-2009 school year.	OPI Staff Contractor
The OPI will work with PLUK to ensure parents are knowledgeable of the 60-day timeline.	Ongoing	OPI Staff CSPD PLUK
The OPI will revise its compliance monitoring procedures to ensure that all instances of noncompliance are identified and corrected in a timely fashion.	Ongoing	OPI Staff

Monitoring Priority: Effective General Supervision Part B / Effective Transition

***Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(c) divided by (a – b – d)] times 100.

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Data Sources:

Part C and Part B Child Count Data
Compliance Monitoring Data

Overview

Each LEA is required to have a comprehensive child find system in place. As part of the child find requirement, LEAs must coordinate child find procedures with Part C agencies to ensure that infants/toddlers and preschool children who are referred for a suspected disability are evaluated, and, as appropriate, served by the appropriate agency. In addition to working collaboratively with Part C agencies, LEAs also work in collaboration with Head Start and other provider programs. The LEAs and Head Start agencies often have formal agreements which specifically describe the roles, responsibilities and activities each agency will conduct to ensure an effective child find system.

The Office of Public Instruction (OPI) addresses Early Childhood Transition through these methods: (1) An interagency agreement with the Developmental Disabilities Program (DDP), Montana's Part C lead agency for the IDEA Part C Early Intervention Program, defines the procedures with which both Early Intervention provider agencies and local educational agencies collaborate to ensure the provision of free appropriate public education by the child's third birthday; (2) Appropriate personnel from both the OPI and DDP provide training and technical assistance at the local level to support smooth transition activities; (3) Both the OPI and DDP work with Parents, Let's Unite for Kids (PLUK) to inform and support parents and families experiencing transitions from Part C to early childhood special education; (4) The OPI complaints and due process management system responds to inquiries about provision of FAPE on the third birthday, among other concerns; and (5) The OPI compliance monitoring procedure ensures that the sample of individual student records reviewed include 3-year-old children and, specifically, looks into the provision of free appropriate public education on the third birthday.

Following are activities that have continued to be implemented to support the provision of FAPE upon the third birthday:

1. The Office of Public Instruction and Developmental Disabilities Program, the lead agency for the IDEA Part C Early Intervention Program, collaborate effectively. Interagency agreements lay out responsibilities and roles.
2. A representative of the Family Support Services Council is a member of the Special Education Advisory Panel, and the OPI Preschool Specialist participates on the Family Support Services Council. The Family Support Services Council is the counterpart of the Special Education Advisory Panel guiding the IDEA Part C Early Intervention Program.
3. The Early Assistance Program staff and Preschool Specialist provide guidance and direction to callers inquiring about preschool transition concerns. Frequent callers are parents, special educators, family support specialists, advocates, and other service providers.

Overview of Issue/Description of System or Process

The OPI does not have a student information system in place that allows for the collection of data as identified in the measurement table above. Instead, the OPI collects data through collaboration with Part C and through its compliance monitoring activities. The data provided by Part C comes from Table 3 data which they report annually to the U.S. Department of Education on February 1. The data from compliance reviews collected is based on review of a sampling of students with disabilities records.

The OPI is developing a special education records and information management system which will address all of the data elements required as a part of the indicator. The system is expected to be fully implemented in the 2008-2009 school year.

Baseline Data for FFY 2004 (2004-2005)

The Developmental Disabilities Program (DDP) is the lead agency for the IDEA Part C Early Intervention Program. The DDP issued a *Report on Infants and Toddlers Exiting Part C Programs (Table 3)* dated January 31, 2005, that reported that 721 children exited the program between July 1, 2004, and June 30, 2005. Of these children, 248 were reported under Section B: Exited for other reasons. These reasons include:

- o Deceased (N = 12),
- o Moved out of state (N = 79),
- o Withdrawal by parent or guardian (N = 93), and
- o Attempts to contact unsuccessful (N = 64).

The remaining 473 children were reported under Section A: Program Completion. Of these children, 182 were reported under the category: Completion of IFSP prior to reaching maximum age for Part C. The remaining 291 children were reported in the outcomes shown in the table below.

Table 12.1 Number and Percentage of Infants and Toddlers

Number and Percentage of Infants and Toddlers July 1, 2003 - June 30, 2004				
Part B Eligible	Not Eligible for Part B, Exit to Other Programs	Not Eligible for Part B, Exit With No Referrals	Part B Eligibility Not Determined	TOTAL
180	43	12	52	287
63%	15%	4%	18%	

Table 12.2 Number and Percentage of Infants and Toddlers

Number and Percentage of Infants and Toddlers July 1, 2004 - June 30, 2005				
Part B Eligible	Not Eligible for Part B, Exit to Other Programs	Not Eligible for Part B, Exit With No Referrals	Part B Eligibility Not Determined	TOTAL
197	36	12	46	291
67%	12%	4%	15%	

Discussion of Baseline Data

Of the 291 children referred by Part C to the Part B program, 67 percent of the children were determined to be eligible for Part B services.

A review of child count data for both infants/toddlers (Part C) and the number of 3-year-old children served under Part B shows that Part B numbers of children served is consistently greater than the number of infant/toddlers served under Part C. There may be a variety of reasons for this (parents not wanting their child to receive services until the child reaches age 3, lack of identification prior to age 3, new children entering the state, parents not wishing to participate in transition planning, etc.).

Of 40 entities monitored for procedural compliance during 2003-2004 and the 54 entities monitored in 2004-2005, none required a corrective action to address a systemic concern related to provision of FAPE on the child's third birthday. Similarly, no confidential memoranda were required to address an instance where provision of FAPE on the third birthday was at issue. No concerns related to provision of FAPE on the third birthday were identified and addressed by the OPI legal unit in either 2003-2004 or the 2004-2005 school year.

Analysis of data from due process, mediations, complaints, the EAP and compliance monitoring support the conclusion that LEAs are implementing effective child find services and providing special education and related services to eligible children on their third birthday.

An IEP developed and implemented by the third birthday means that the initial IEP includes the written approval for placement by the parent and it is implemented within 30 days of determination of eligibility and in accord with the timelines specified in the IEP.

Revision of the Process

The OSEP, in its letter of June 15, 2007, and the accompanying response table, reported that the baseline data submitted by the OPI for 2004-2005 was not valid and reliable. It also stated that the OPI "did not use the measurement for the indicator when determining baseline and progress data and did not provide a percent of children referred by Part C, prior to age 3, who are found eligible for Part B, and who have an IEP developed by their third birthday."

In response to OSEP's determination that Montana did not provide valid and reliable data, the OPI met with the Director of the Part C Infant/Toddler program for the purpose of designing a new and interim data collection and reporting system for this performance indicator. The interim data collection and reporting system will be used until the SERIMS reporting system becomes fully operational. This newly designed interim data collection system was implemented for the 2006-2007 reporting period. The system requires both the Part C providers and the school district personnel to provide basic child count information, dates of referral from Part C to Part B, dates of evaluation for determining eligibility under Part B, and the dates that the IEP was developed and implemented. Both the Part C program and the OPI review the reported data to ensure validity and reliability.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.
2006 (2006-2007)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.
2007 (2007-2008)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.
2008 (2008-2009)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.
2009 (2009-2010)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.
2010 (2010-2011)	100% of students referred by Part C and eligible for Part B will have an IEP developed and implemented by their third birthday.

Improvement Activities/Timelines/Resources

Improvement Strategies	Timelines	Resources
Continue to monitor for procedural compliance, as well as to review data from due process, mediations, and complaints.	Ongoing	OPI Staff
Continue to work with Part C to collect necessary data elements to meet these new data collection requirements for this indicator.	Ongoing	OPI DDPHS/Part C Staff
The OPI will work with its contractor to ensure the SERIMS includes necessary data elements to address this performance indicator.	2006-2007	OPI Staff
Continue to provide TA and training on effective child find practices and transition from Part C to Part B.	Ongoing	CSPD Activities OPI and DDPHS/Part C Staff
Fully implement the SERIMS to ensure all data elements are collected.	2009-2010 School Year	OPI Staff

Monitoring Priority: Effective General Supervision Part B / Effective Transition

***Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

Overview

Montana continues to improve its preparation of students with disabilities for post-school activities. As a result of the Transitions Outcomes Project (TOP), as well as commitments of staff and resources, LEAs have access to training and technical assistance on issues related to the development of coordinated transition plans and interagency collaboration. The low incidence of compliance monitoring intervention for secondary transition issues is a result of this ongoing effort.

Seven years ago, Montana was one of the first states in the country to spearhead an initiative to help LEAs improve secondary transition planning and practices for students with disabilities. Under the guidance of the Mountain Plains Regional Resource Center, the Transition Outcomes Project began in two pilot school districts in the state. Since then, the Transition Outcomes Project has been active in over 50 LEAs across the state and over 2,500 IEPs have been reviewed. Follow-up review and technical assistance continues to occur. The Transition Outcomes Project provides the model to help IEP team members identify strengths and improvement targets for meeting each of the transition process requirements, identified problem areas, and monitor progress toward improvements.

The Transition Outcomes Project began examining transition-planning practices in schools beginning with the 2000-01 school year. It evaluates IEP review documentation against a set of benchmarks that reflect transition practices that meet the current legal and procedural requirements. Areas in need of improvement are identified and then targeted for inservice and technical assistance from transition project staff. These schools' practices are then revisited. A review of accumulated data shows a clear and consistent pattern of improvement from the first review to the second. This project is successful in raising awareness of what is necessary in order to be in full compliance with the transition requirements of IDEA and represents a solid step in improving outcomes for students in this area. Montana's compliance monitoring Special Education Student Record Review Form has been revised to reflect transition requirement changes under IDEA '05.

Transition activities during 2004-2005 focused on development and dispersion of a detailed training module addressing both compliance and best practice transition processes. This training was done in each of the state's five CSPD regions. The OPI also continued providing training and technical assistance for all schools. In addition to a state secondary transition coordinator and the monitoring specialists, Montana has eight trained transition coaches and trainers that provide training and technical assistance and are geographically located across the state.

Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

Overview of Issue/Description of System or Process

The OPI implements a compliance monitoring system based on a five-year cycle. This cycle is described in detail in performance indicator #15. Data for this performance indicator is collected as a part of the compliance monitoring process.

When the OPI fully implements its special education records and student information system, this will allow the OPI to select a broader sampling of records for students ages 16 and older to ensure their IEPs meet all of the requirements under this performance indicator.

The OPI collected baseline data as a part of its compliance monitoring procedures during the 2005-2006 school year. Compliance monitors reviewed a sampling of student records for students, ages 16 and older, to ensure their IEPs include coordinated, measurable, annual goals and transition services that will reasonably enable to student to meet post-secondary goals.

Baseline Data for FFY 2005 (2005-2006)

During the 2005-2006 school year, student records were reviewed in 30 LEAs for coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. Of the 70 records reviewed, 34 were found to be out of compliance. The statistical measurement results in a finding of 51 percent of records meeting this indicator.

Discussion of Baseline Data

Of the records found out of compliance, most were found to not include the required measurable postsecondary goals which were a new requirement under IDEA 04.

Improvement activities undertaken included a revision of forms which provide increased direction for transition requirements, revision and expansion of transition technical assistance and professional development materials, training of transition specialists in the SEA, statewide transition training, and technical assistance provided through other agency conferences. The new student data system under development in Montana, which will house a required use IEP form, will also include functionality that will require transition components be complete before the IEP can be entered. Technical assistance and professional development activities are ongoing.

SPP Template – Part B (3)

Montana
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FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-2007)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-2008)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-2009)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-2010)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-2011)	100% of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and reasonable transition services.

SPP Template – Part B (3)

Montana
State

Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines	Resources
Continue to provide technical assistance and professional development to LEAs and school personnel on transition requirements and IEP development.	Ongoing	OPI Staff CSPD Transition Coaches MPRRC
Continue to work with other state agencies such as Vocational Rehabilitation, etc., to engage their involvement in transition planning, as appropriate.	Ongoing	OPI Staff
Work with the IHEs to help ensure students in preservice education receive information and training related to transition requirements under IDEA and the development of appropriate goals.	Ongoing	OPI Staff CSPD State Council
Collect transition data through the SERIMS system.	2008-2009	OPI Staff

Monitoring Priority: Effective General Supervision Part B/Effective Transition

***Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

[20 U.S.C. 1416(a)(3)(B)]

Montana is collecting postsecondary school outcome data in 2007 for the first time. Special Education personnel have established linkages within the OPI and other agencies. Shared interests with Career, Technical and Adult Education, Vocational Rehabilitation, Adult service providers and Higher Education representatives have been established. Outcome data from this indicator will be used for SPP/APR reporting, identification of technical assistance targets and program planning. It will also be shared with our professional stakeholders for coordination and improvement of activities.

Measurement: Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Overview of Issue/Description of System or Process

Montana utilized the Montana Post-School Survey modeled after the post-school survey developed by the National Post-School Outcomes Center. Each LEA is responsible for contacting students and conducting survey interviews. The Post-School Survey is a Web-based survey and can be found at <http://data.opi.mt.gov/PostSchoolSurvey/>.

The population for the survey are all high school students with disabilities reported as leaving school at the end of the 2005-2006 school year (June 30, 2006) by means of dropping out, graduating with a regular diploma, receiving a certificate, or reached maximum age. The total number of high school students with disabilities reported in the 2007 State Performance Plan as the base population was 1,256 students. However, during the survey process, it was reported that nine students had returned to secondary school, resulting in 1,247 high school students assessed who had IEPs and are no longer in secondary school.

The LEAs were provided a list of the exiting students that they reported and were required to conduct a follow-up survey with these students between April 2007 and September 2007. Montana has chosen to have LEAs report student outcome data for all students who had IEPs and are no longer in secondary school to ensure the greatest possible accuracy of our data. Because of the preponderance of small schools in Montana and close ties that generally exist between the school and community, teachers and other staff personally know the young adults and their families and as a result are often directly aware of the post-school outcome.

Survey results for all students who are successfully contacted will provide our data source. If certain sub-groups of students (e.g., by LEA, race/ethnicity, etc.) are underrepresented to a significant degree, then further attempts to contact and interview a sample of these underrepresented students will be made. Likewise, if response rates are low or data is missing, LEAs will be required to initiate additional contact attempts.

Survey data collection format will be at the discretion of the LEA and may include personal contact, phone interview, paper, or electronic completion.

Key terms for this indicator are defined as follows:

Exiters are defined to include those students with disabilities who, during the 2005-06 school year, graduated with a regular diploma, received a certificate, who dropped-out, or who reached maximum age, as established by the LEA, for receipt of special education services.

Drop Outs. Those students who were enrolled in high school at the start of the reporting period, but were not enrolled at the end of the reporting period, and did not exit through any of the other bases described above. This includes runaways, GED recipients, expulsions, status unknown, students who moved and are not known to be continuing in another educational program.

Employment/Competitive employment is work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and compensated at or above minimum wage, but not less than customary wage, and level of benefits paid by employer for the same or similar work performed by individuals that are not disabled. Competitive employment includes being in the military and may be in the home when there is a family-based business.

Postsecondary school enrollment is defined as participation in a two- or four-year college program, vocational or technical education beyond high school or short-term education or employment training program (e.g., WIA, Job Corps, Beauty School, etc.) either full or part time. Full or part time is determined by the program in which the student is enrolled.

Baseline Data for FFY 2005 (2005-2006)

Table 14.1 below presents the results of Montana's Post School Survey for high school students who left school during the 2005-2006 school year.

Table 14.1 Montana Post School Survey Results for the 2005-2006 School Year

Number of Youth with Disabilities Not In Secondary School (a)	Number of Youth with Disabilities Employed And Enrolled (b)	Number of Youth with Disabilities Competitively Employed (c)	Number of Youth with Disabilities Enrolled in Postsecondary School (d)	Percent of Youth with Disabilities Competitively Employed and/or Enrolled % = $[(b+c+d)/a]$	Number of Youth with Disabilities NOT Employed and/or Enrolled (e)	Percent of Youth with Disabilities NOT Employed and/or Enrolled % = (e/a)
1247	159	377	37	46.0%	142	11.4%

Response rates for the Montana Post-School Survey are presented in Table 14.2 below.

Table 14.2 Montana Post School Survey Response Rates for the 2005-2006 School Year

Number of Youth with Disabilities Not In Secondary School (a)	Number of Returned Surveys (b)	Number of Surveys NOT Returned	Survey Response Rate % = (b/a)
1247	715	532	57.3%

Discussion of Baseline Data

The representativeness of the surveys was assessed by examining the demographic characteristics of the students who responded to the survey to the demographic characteristics of all high school students with disabilities that left school at the end of the 2005-2006 school year. This comparison indicates the results are representative 1) by the race/ethnicity of the students; 2) by the primary disability category of the students; and 3) by the age of the students. For example, 78.8 percent of high school students leaving school in 2005-2006 are White, non-Hispanic and 78.6 percent of survey respondents were White, non-Hispanic. Further, a review of the distribution of survey respondents by primary disability is comparable to the distribution of high school students leaving school by primary disability. The distribution range for survey respondents is between 65.4 percent for learning disability to 0.1 percent for students with deaf-blindness. In turn, the primary disability distribution ranges from 66.2 percent for learning disability to 0.1 percent for students with deaf-blindness.

As indicated in Table 14.1 above, baseline data indicate that 46 percent of high school students with disabilities and no longer in secondary school as of the 2005-2006 school year, have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. Conversely, 11.4 percent reported that they were not competitively employed and/or enrolled in some type of postsecondary school, or both, within one year of leaving high school.

Montana also reviewed the survey response rates as indicated in Table 14.2 above. The response rate for FFY 2006 (2006-2007 school year) is 57.3 percent. Activities planned to help increase the response rate are discussed below in Improvement Activities.

The response rate of 57.3 percent represented 715 surveys returned. Of those surveys returned, 573 surveys reported that the student had been competitively employed, enrolled in some type of postsecondary school, or both, within the 2006-2007 school year. This baseline data indicates that 80.1 percent of students with surveys returned had been competitively employed, enrolled in some type of postsecondary school, or both, within the 2006-2007 school year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	80.1% of youth who had IEPs and are no longer in secondary school will be competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school
2007 (2007-2008)	79.1% of youth who had IEPs and are no longer in secondary school will be competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school
2008 (2008-2009)	79.5% of youth who had IEPs and are no longer in secondary school will be competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school
2009 (2009-2010)	80.1% of youth who had IEPs and are no longer in secondary school will be competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school
2010 (2010-2011)	80.3% of youth who had IEPs and are no longer in secondary school will be competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school

Improvement Activities/Timelines/Resources:

Montana students exiting high school face numerous challenges in continuing education or training, as well as employment. The rural aspect of much of Montana provides limitations in accessing higher education and/or vocational training due to constrictive travel distances and a limited economy. Likewise, employment opportunities in rural communities are limited and many youth choose to train and work on the family farm, ranch, or home-based business, many of which do not meet the standard of competitively employed.

Montana is expanding our capabilities to provide online and other technology-based options for training and education which will particularly benefit rural areas. Even this poses unique difficulties in a state where cell phone service is not consistently available and digital phone lines are not the norm.

Montana has focused on transition issues in recent years as part of the transitions outcomes project and through intensive training and technical assistance to school personnel and parents. An action plan for transition training for the current and next year is developed and will utilize newly developed training materials which are available on our Web site at:

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<http://www.opi.mt.gov/SpecEd/trans2.html>. This training focuses on developing attainable and appropriate transition plans.

Improvement Strategies	Timelines	Resources
Provide information on post school data collection requirements to all LEAs and their personnel.	2005-2006	CSPD Activities OPI Regional MASS Meetings CEC OPI Web Site MCASE
Work with the SERIMS contractor to ensure required data collection components are included in the system.	February 2006 through July 2008	OPI Staff
Provide training and technical assistance to LEAs on data collection and follow-up procedures to ensure complete collection of all required data.	2006-2007 Ongoing	OPI Staff CSPD OPI Web Site
Work with LEAs to collect baseline data for all students with disabilities who exited from school during the 2005-2006 school year.	June 30, 2007	LEAs OPI Staff Post-School Outcomes Center MPRRC
Open survey application for LEA use in April to maximize time for data collection/reporting.	April 1, 2008 Annually	OPI Staff
Continue comprehensive transition training and technical assistance activities regionally and to individual LEAs.	February 1, 2008 Ongoing	OPI Staff CSPD Post-School Outcomes Center MPRRC OPI Web Site
Continue to work with other agencies and higher education to improve access and opportunities for employment and education or training.	February 1, 2008 Ongoing	OPI Staff Vocational Rehabilitation Montana University System
The OPI will provide technical assistance to LEAs to improve the response rate for students who have dropped out.	Ongoing	OPI Staff

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Overview

The Montana Office of Public Instruction implements a comprehensive system of general supervision that includes: review of IDEA Part B applicants' policies and procedures to ensure consistency with IDEA Part B requirements; implementation of procedures for formal complaints and due process hearings and mediation; provision of an Early Assistance Program (EAP) to resolve issues prior to their becoming formal complaints or going to due process; implementation of a compliance monitoring process based on a five-year cycle and implementation of a focused intervention system based on selected performance indicators.

Each component of the general supervision system includes procedures for tracking data to ensure requirements and timelines are addressed in a timely manner. Complaints, mediations, and due process hearing timelines are tracked by the Legal Division of the OPI. The LEA/applicant policies and procedures and data, including data gathered through compliance reviews and focused intervention, are tracked through the Division of Special Education. Continuous improvement, based on each LEA's five-year comprehensive plan, is reported by LEAs annually and tracked through the Accreditation Division.

Montana implemented a separate, special education Continuous Improvement Monitoring Process (CIMP) from July 1, 2000, through June 30, 2003. Local education agencies (LEAs) which were involved in the CIMP process continued to work toward completing the goals identified in the CIMP improvement plan and to report progress to the OPI during the 2003-2004 school year. In May of 2003, the Montana Board of Public Education adopted administrative rule 10.55.601 which required all LEAs to have a single Five-Year Comprehensive Education Plan on file with the Office of Public Instruction to ensure ongoing continuous academic, social, emotional, and physical growth for all students to ensure consistent improvement. The five-year plan uses individual LEA and school data to drive reform. Since the advent of the five-year planning process, and consistent with the recommendations of the State Special Education Advisory Panel, the OPI Division of Special Education revised its general supervision procedures. This revision resulted in the OPI implementation of a combination of cyclical compliance monitoring and "Focused Intervention" activities. Focused Intervention was designed to be implemented in two stages to ensure that the process used would be effective in identifying LEA performance based on the performance indicators. Stage 1 activities, implemented during 2003-2004, included all of the following: identification of key performance indicators, factors to be used in LEA selection, Focused Intervention activities and responsibilities and information sharing and training. Stage 2, was implemented in 2004-2005, LEAs were selected based on their performance indicators data and participated in Focused Intervention activities with OPI staff. Following are descriptions of how procedural compliance is monitored through *Compliance Monitoring* and performance indicators are addressed through *Focused Intervention*.

Compliance Monitoring: The OPI reviews individual student records to verify that the LEA's child find procedures, evaluation/re-evaluation processes, and the Individualized Education Program (IEP) procedures meet IDEA requirements and Montana's standards. This student record review also addresses procedural

safeguards and notices, suspension/expulsion, transition, least restrictive educational environment and transfer of students from other Montana districts or out of state, as well as the provision of services to parentally enrolled students with disabilities in private schools. Compliance monitoring activities consist of:

- Review of a sample of student records to examine current practices and documentation;
- Visits to selected schools, when appropriate; and
- Contact with individual teachers and specialists to discuss records selected for review, when appropriate.

A systemic failure by the LEA to meet regulatory standards results in a finding of noncompliance and a corresponding Corrective Action Plan (CAP). A CAP identifies a systemic issue that requires a change in policy, procedure, or practice to ensure full compliance with the IDEA and Montana laws and rules. Each CAP cites a specific regulation, either federal or state, identified through a review of individual student records and describes the nature of the noncompliance. The CAP establishes timelines for the district to stop the noncompliant practice, implement policies and procedures to address the concern, implement required actions to produce permanent changes and a subsequent review of student records to demonstrate the continuation of these compliant practices. If as a result of compliance monitoring, it is determined that documentation or other evidence is insufficient to ensure an individual student is receiving a Free Appropriate Public Education (FAPE), the OPI addresses that concern with a confidential memorandum. A confidential memorandum is a directive to the district that: personally identifies one or more students; cites a specific violation of federal or Montana regulations governing the provision of FAPE; directs the district to take specific required actions; defines timelines for completing these actions; identifies the method for reporting completion of the required actions; and includes training, as necessary. Following the reauthorization of IDEA in December 2004, revisions to the compliance monitoring process were made to help ensure IDEA 2004 requirements were addressed.

Focused Intervention: Focused Intervention is modeled after the Continuous Improvement and Focused Monitoring System used by the Office of Special Education Programs. This system involves close examination of LEA-level data related to the following performance indicators: dropout and graduation rates, disproportionality, and educational environments data. Complaints, due process requests, and high-risk financial status factors are also considered. Because of the large number of LEAs in Montana and the size variations in enrollment, in 2004-2005, LEAs were sorted into 13 size categories for comparison. The LEAs were ranked on each of the performance indicators to determine the LEA's overall rank within the size category. This method allowed the OPI to select the LEAs most in need of focused intervention activities. The LEAs identified for intervention worked closely with the OPI staff to determine what factors contributed to the LEA's performance on a specific performance indicator, and developed and implemented strategies to address improved performance and/or revise the district's Five-Year Comprehensive Education Plan, as appropriate to reflect improvement strategies and activities. Focused Intervention procedures are also implemented when following review of LEA data it is determined that the LEA has disproportionate representation, significant disproportionality, or a significant discrepancy in long-term suspensions and expulsions. The Focused Intervention activities include, but are not limited to, a review of LEA's policies, practices and procedures to ensure compliance with the IDEA, review of selected student records, and staff interviews.

Information regarding the Focused Intervention and Compliance Monitoring processes can be found on the OPI Web site at: www.opi.mt.gov/speed under Guides. Click on Focused Intervention Process or Compliance Monitoring Process.

Following is a state administrative rule which address general supervision, as well as procedures the OPI will take if an LEA fails to take required actions.

10.16.3141 SUPERINTENDENT OF PUBLIC INSTRUCTION RESPONSIBILITY FOR MONITORING (1)

The Superintendent of Public Instruction shall provide an ongoing and systematic monitoring process consistent with the requirements of 34 CFR 300.600 through 300.602 and 300.606 through 300.608 to ensure compliance with IDEA and its implementing regulations at 34 CFR, part 300, and Montana statutes pertaining to special education at Title 20, chapter 7, part 4, MCA, and implementing administrative rules at ARM Title 10, chapter 16. The procedures shall apply to all educational programs for students with disabilities including those administered by other state agencies and educational programs for students with disabilities referred to or placed in private schools by a public agency.

- (a) The procedures shall include:
 - (i) review of local educational agency policies, procedures, services, and performance data;
 - (ii) determination of the need for further information, on-site visitation, training, technical assistance, or intervention;
 - (iii) development of strategies to enable the local educational agency to improve services, educational practices, and outcomes for students with disabilities;
- (iv) Superintendent of Public Instruction review of the performance of each local educational agency on the targets in the state's performance plan in accordance with 34 CFR 300.608 and 300.646; and
- (v) procedures for identification of noncompliance and its correction including:
 - (A) the local educational agency's response to the findings;
 - (B) written documentation verifying immediate discontinuance of the violation, elimination of any continuing effects of past violations, and prevention of the occurrence of any future violations and the steps taken to address the violation; and
 - (C) verification of compliance by the Superintendent of Public Instruction.

(2) If a local educational agency is not meeting the requirements under Part B of IDEA, including the targets in the State Performance Plan, or fails to voluntarily take steps to correct an identified deficiency or fails to take any of the actions specified in a local educational agency corrective action plan, the Superintendent of Public Instruction shall notify the local educational agency in writing of the actions the Superintendent of Public Instruction intends to take in order to enforce compliance with IDEA and its implementing regulations, and Montana statutes pertaining to special education and implementing administrative rules.

(a) The notice shall include a statement of the actions the Superintendent of Public Instruction intends to take, right to a hearing, and consequence of the local educational agency's continued noncompliance on its accreditation status and approval for state and federal funding of special education services.

(b) The Superintendent of Public Instruction may initiate one or more of the options under ARM 10.16.3121 and implement the provisions of 34 CFR 300.608 to ensure compliance.

Measurement: Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

Data Sources:

Compliance Monitoring
Due Process, Mediations, Complaints Data

Overview of Issue/Description of System or Process

The OPI maintains tracking systems for compliance monitoring, as well as a separate tracking system through the Legal Services Division for due process hearings, mediation, complaints and the Early

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Assistance Program. The tracking systems are reviewed, on no less than a monthly basis, to ensure timelines are met and procedures are being followed. Personnel maintaining the tracking systems are responsible for ensuring program specialists are kept aware of the timelines. Program specialists conduct follow up with the LEAs, as appropriate, to ensure the LEA is addressing the corrective actions required in accord with the designated times.

Baseline Data for FFY 2004 (2004-2005)

Noncompliance Identified Through Complaints, Due Process Hearings and Mediations

An analysis of data from FFY 2003 (2003-2004) shows that all due process hearings, mediations and formal complaints have been met 100 percent of the time and within the one-year period. When extensions were approved, they were date specific and incorporated into the tracking system to ensure decisions were rendered within the designated timeframe. Legal Services personnel continue to ensure procedures are followed, required timelines are met, and hearing officers are knowledgeable of timelines and procedures.

Table 15. 1 Formal Complaints, Mediations, and Due Process Hearings for the 2003-2004 School Year

Formal Complaints								
(1) July 1, 2003 - June 30, 2004	(2) Number of Complaints	(3) Number of Complaints with Findings	(4) Number of Complaints with No Findings	(5) Number of Complaints not Investigated Withdrawn or No Jurisdiction	(6) Number of Complaints Set Aside Because Same Issues being Addressed in a Due Process Hearing	(7) Number of Complaints with Decisions Issued within 60 Calendar Days	(8) Number of Complaints Resolved beyond 60 Calendar Days, with a Documented Extension	(9) Number of Complaints Pending as of: 6/30/04
TOTALS	3	0	3	3	0	0	0	0

Mediations					
(1) July 1, 2003 - June 30, 2004	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: 6/30/04
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
TOTALS	1	1	1	6	0

Due Process Hearings					
(1) July 1, 2003 - June 30, 2004	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued within Timeline under 34 CFR §300.511	(5) Number of Decisions within Timeline Extended under 34 CFR §300.511(c)	(6) Number of Hearings Pending as of: 6/30/04
TOTALS	10	3	1	2	0

Findings Of Noncompliance For Corrective Action Plans (CAPs) and Confidential Memorandums (CMs)**7/1/03-6/30/04**

	CAP	CM
<u>Referral</u>	6	1
<u>Child Find</u>		
Determination of Needed Evaluation Data	22	4
Comprehensive Educational Evaluation Process	6	12
Re-evaluation	1	1
Criteria for Identification of OHI	0	2
Composition of Child Study Team	0	1
Criteria for Identification of Cognitive Delay	0	1
Initial Evaluations	0	1
Transfer of Students: Intrastate and Interstate	1	5
Eligible Students under the IDEA	1	0
Adversely Affect the Student's Educational Performance	1	0
<u>IEPS</u>	CAP	CM
Content of IEP	13	9
IEP Meetings	0	1
Development/Review/Revision of IEP	0	6
Extended School Year Services	0	3
IEP-Accountability	1	0
Determination of Setting	0	1
Parent Participation	6	0
Parental Involvement	1	0
Parental Consent	2	0
Procedural Safeguards Notice	4	0
Prior Notice by the Public Agency, Content of Notice	4	0
Special Education Records	3	1
Free Appropriate Public Education	1	0
Transfer of Parental Rights at Age of Majority	0	2
Totals	73	51

Of the corrective actions given, determination of needed evaluation data was cited most frequently. This resulted from failure of personnel to appropriately document a review of existing evaluation data. The next most frequently cited corrective action was Content of the IEP. On further investigation, it was found that of the 13 corrective actions issued under this regulation (34 CFR 300.347), eight were due to failure to provide a statement addressing program modifications or supports for school personnel; three corrective actions addressed measurable annual goals and two addressed lack of documentation of how the child's progress toward the annual goals would be measured. The third most frequently cited corrective actions were comprehensive educational evaluation process, referral and parent participation. Under comprehensive educational evaluation process, the primary issue was failure to provide a summary statement of implications for educational planning. Three regulations related to IDEA's procedural safeguards, prior notice, and consent (34 CFR 300.503-505) were cited in a total of 10 reports. These concerns were primarily related to the use of outdated forms or assurances that parents received copies of required documents. Parent participation, cited in six reports, was linked to either meetings held without parents, a

lack of documentation to demonstrate attempts to involve the parents or failure to provide appropriate notice. State regulations governing referral and evaluation procedures were addressed in 12 reports. In most cases, the issue related to these regulations was the failure to document all of the requirements cited within the regulation. In the case of referral documentation, forms may not have included the signature of the referring person or failed to document general education interventions tried. The most frequent issue with comprehensive educational evaluation process (ARM 10.16.3321) was the failure to provide an adequate summary statement of the basis for making the determination whether the student has a disability and needs special education. In one instance, an entity was cited under FAPE. This issue specifically addressed the lack of provision of speech-language services for those students who had such services identified on their individualized education plans.

Twelve of the 40 entities monitored for procedural compliance received confidential memos. A total of 51 citations of federal and state administrative rules were made. Confidential memorandums were student specific and generally required that the entity convene a CST or IEP meeting to address the specific concern. In many cases, a single confidential memo (CM) might have identified more than one regulation. Comprehensive educational evaluation process was cited most frequently. Generally, these issues were related to a lack of required elements (e.g., evaluation summary statements) in the child study team report. In Content of the IEP (CFR 300.347), there was no single component of regulation cited consistently across the CMs.

Summary of Compliance Monitoring

In 2003-2004, complete documentation of a review of existing evaluation data arose as the most significant compliance concern. Although entities reported they conducted the reviews, the lack of adequate documentation resulted in their receiving a corrective action(s). The second most frequent systemic issue was the content of the IEP. Both of these issues were cited in Montana's Annual Performance Report for 2002-2003; however, it was noted that there was notable improvement in the writing of measurable annual goals, short-term objectives and documenting the provision of supplementary aids and services. In 2003-2004, compliance reviews also revealed that IEPs occasionally lacked adequate documentation of present levels of performance and program modification and supports for school personnel. In the case of program modifications and supports for school personnel, if the entity did not have a statement on the IEP under this component, it was assumed by the OPI program specialists that this had not been addressed.

Discussion of Baseline Data

Compliance Monitoring/Corrective Action Timelines

Forty entities consisting of public schools, state-operated programs and residential facilities were monitored for procedural compliance during 2003-2004. Of those monitored, 13 were found to be in full compliance, 25 were required to take corrective actions because of an identified 'systemic' issue(s), and of these 25, 10 also received a confidential memorandum. Two entities received only a confidential memorandum. An analysis of the 2003-2004 data shows that all LEAs (100%) which received confidential memos completed their corrective actions within the year. Of the 26 LEAs which were required to complete corrective actions plans (CAPs) 4, or 15 percent of the total, did not meet the one-year timeline. Two LEAs exceeded the timeline by six days, two LEAs exceeded the one-year timeline by two months and one LEA exceeded the timeline by three months.

The LEA which exceeded the one year timeline by three months did so because the LEA did not conduct their required review of records following training by the targeted deadline. In another case, the LEAs

exceeded the timeline by two months because the corrective actions given could not be fully accomplished. In none of the four cases in which timelines exceeded the one-year timeline was the LEA not attempting nor was it being reluctant in correcting the noncompliance. If such was the case, the OPI would have taken action, as appropriate, in accord with its administrative rule.

Focused Intervention School Year 2004-2005

The OPI implemented Focused Intervention during the 2004-2005 school year. Three entities were selected based on a review of LEA data. One LEA was selected based on LRE/settings of service, one based on graduation/dropout rates, and one based on disproportionate representation. Based on findings no issues of noncompliance were found. Therefore, no corrective actions were issued.

- A. There were zero instances of noncompliance related to the monitoring priority areas as identified by the performance indicators.
- B. There were a total of 124 findings (CAPs and CMs) of noncompliance in the areas not related to monitoring priorities and indicators. Of these, 8 or 6 percent of the total findings were not corrected in the one-year timeline.
- C. One hundred percent of noncompliance identified through complaints, due process hearings and mediations were completed within the one-year timeline.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of the findings of noncompliance are corrected within one year from identification.
2006 (2006-2007)	100% of the findings of noncompliance are corrected within one year from identification.
2007 (2007-2008)	100% of the findings of noncompliance are corrected within one year from identification.
2008 (2008-2009)	100% of the findings of noncompliance are corrected within one year from identification.
2009 (2009-2010)	100% of the findings of noncompliance are corrected within one year from identification.
2010 (2010-2011)	100% of the findings of noncompliance are corrected within one year from identification.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Revise Focused Intervention activities to better align with SPP indicators.	2006-2007 Completed	OPI Staff
Continue to use the monitoring tracking system to ensure timelines are addressed.	Ongoing	OPI Staff
Review status of LEAs' corrective actions on a monthly basis and report that status to the monitoring staff.	Ongoing	OPI Staff
Provide follow-up to LEAs to ensure they are moving toward completion of their corrective actions in the timeline given.	Ongoing	OPI Staff
Implement sanctions, as appropriate, to ensure LEAs complete required corrective actions.	Ongoing-as appropriate	OPI Staff
The OPI will revise its compliance monitoring procedures to ensure that all instances of noncompliance are identified and corrected in a timely fashion.	2009-2010	OPI Staff

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100$.

Overview of Issue/Description of System or Process

A party filing an administrative complaint with the OPI must allow 15 business days for the Early Assistance Program (EAP) to attempt to resolve the issue either informally or formally. Both parties involved may allow additional time if a resolution appears possible. A formal approach to resolution would be mediation provided by the OPI. If resolution is not possible through the EAP, then the OPI assigns a complaint investigator to determine whether a rule violation occurred. The investigator provides the OPI Complaint Officer with a draft report which, in turn, leads to a final report of the investigation.

Baseline Data for FFY 2004 (2004-2005)

One complaint received, final report issued after the 60-day timeline; the timeline was extended.

One Complaint, resolved after 60 days = 100%

Discussion of Baseline Data

The EAP program has reduced the number of complaints received by the OPI. In this one case, the complainant rescheduled several appointments with the investigator, causing the OPI to extend the timeline in order to complete the investigation and complete the draft report.

With such a low N, one complaint requiring an extension can skew the percentages.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.
2006 (2006-2007)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.
2007 (2007-2008)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.

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2008 (2008-2009)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.
2009 (2009-2010)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.
2010 (2010-2011)	100% of signed written complaints will have a final report issued within 60 days or within the timeline extension given for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Continue to work at reducing the number of complaints needing investigations by providing timely technical assistance to LEAs.	Ongoing	OPI Staff Part-time Personnel
Continue to use part-time seasonal personnel to serve in a TA capacity and IEP facilitator as needed for LEAs to resolve conflicts.	Ongoing	OPI Staff Part-time Personnel

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

Overview of Issue/Description of System or Process

When a party has filed for a due process hearing and the resolution session has been unsuccessful, the OPI sends a strike list of five names to both parties. Each will strike two and rank the other three IHOs. The OPI will select the IHO receiving the highest ranking between the parties. From there, the IHO proceeds with the hearing agenda.

Baseline Data for FFY 2004 (2004-2005)

Four requests, three fully adjudicated, one withdrawn

Of the three requests that resulted in hearings, 100 percent were adjudicated within 45 days or were adjudicated within a properly extended timeline.

Discussion of Baseline Data

The OPI received one request for an expedited hearing and three regular requests. The expedited hearing was accomplished in the time frame, the two others were completed in an extended time frame and the last was withdrawn due to the family moving to another state. That request was filed by the public school and the parents asked that it be withdrawn due to their moving out of state.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.
2006 (2006-2007)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.
2007 (2007-2008)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.
2008 (2008-2009)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.
2009 (2009-2010)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.
2010 (2010-2011)	100% of due process hearings will be fully adjudicated within the 45-day timeline or properly extended timeline.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Continue to provide annual training to hearing officers on the IDEA which will include updates on hearings and court cases, techniques to improve conduct of hearings, and new federal and state rules. Hearing officers will be provided information about additional training opportunities available to hearing officers and administrative law judges in the region.	2006-2010 Ongoing Annually	OPI Legal Staff Consultants MPRRC
Continue to track timelines for due process hearings to ensure ongoing compliance with timeline provisions and report to State Director.	2006-2010 Ongoing Annually	OPI Legal Staff Staff of the Division of Special Education

Monitoring Priority: Effective General Supervision Part B/General Supervision

***Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

[20 U.S.C. 1416(a)(3(B))]

Measurement:

Percent = 3.1(a) divided by (3.1) times 100.

Overview of Issue/Description of System or Process

Schools will convene the 30-day resolution session in a timely manner following the IDEA statute requirements. If requested, the OPI may provide technical assistance in resolving the issue(s).

Baseline Data for FFY 2005 (2005-2006)

Table 12 below presents the baseline data for FFY 2005 (2005-2006 school year) for the number and percent of hearing requests that were resolved through resolution session settlement agreements.

**Table 13.1 Number and Percent of Dispute Resolutions with Settlement Agreements
for the 2005-2006 School Year**

Number of Resolution Sessions	Number of Resolution Sessions with Settlement Agreements	Percent of Resolution Sessions with Settlement Agreements
2	2	100.0%

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, 50% of resolution sessions will result in a written settlement agreement.
2006 (2006-2007)	Given a minimum N of 10, 55% of resolution sessions will result in a written settlement agreement.
2007 (2007-2008)	Given a minimum N of 10, 60% of resolution sessions will result in a written settlement agreement.
2008 (2008-2009)	Given a minimum N of 10, 65% of resolution sessions will result in a written settlement agreement.
2009 (2009-2010)	Given a minimum N of 10, 70% of resolution sessions will result in a written settlement agreement.
2010 (2010-2011)	Given a minimum N of 10, 75% of resolution sessions will result in a written settlement agreement.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
The OPI will respond to any requests from LEAs for assistance in establishing procedures for successful resolution sessions.	Ongoing	OPI Staff MPRRC
The OPI will provide a technical assistance document for LEAs on resolutions.	2006-2007	OPI Staff MPRRC

Monitoring Priority: Effective General Supervision Part B/General Supervision**Indicator 19: Percent of mediations held that resulted in mediation agreements.**

[20 U.S.C. 1416(a)(3)(B)]

Measurement:
$$\text{Percent} = (2.1(a)(i) + 2.1(b)(i)) \text{ divided by } (2.1) \text{ times } 100.$$
Overview of Issue/Description of System or Process

Established procedures allow either party to request mediation. For mediation to proceed, both parties must agree to the mediation. The OPI may assign a mediator or will send a list containing three mediators. In the case where an option for mediators is provided, each party ranks the three mediators and the OPI selects the highest ranked mediator. The mediator establishes a schedule for the mediation. Once completed, the mediator submits a written report of the session(s). If a settlement is reached, a signed copy is submitted to the OPI.

Baseline Data for FFY 2004 (2004-2005)

One mediation request was received by the OPI. This mediation request did not result in a written settlement agreement.

Discussion of Baseline Data

This mediation attempt was the result of two to three years of various interventions attempted by the district, parent and the OPI. Even though the parents agreed to mediation, one of the parents did not fully support the process and the attempt failed as a result.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Given a minimum N of 10, 50% of mediations will result in a written settlement agreement.
2006 (2006-2007)	Given a minimum N of 10, 60% of mediations will result in a written settlement agreement.
2007 (2007-2008)	Given a minimum N of 10, 65% of mediations will result in a written settlement agreement.
2008 (2008-2009)	Given a minimum N of 10, 70% of mediations will result in a written settlement agreement.
2009 (2009-2010)	Given a minimum N of 10, 72% of mediations will result in a written settlement agreement.
2010 (2010-2011)	Given a minimum N of 10, 75% of mediations will result in a written settlement agreement.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
Provide training to LEAs parents, parent advocacy groups regarding the mediation process, the benefits of a mediated agreement and make available to schools and parents trained mediators at no cost when requested.	2005-2010 Ongoing	OPI Legal Staff MPRRC

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 20: State-reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

[20 U.S.C. 1416(a)(3)(B)]

Measurement: State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

Overview of Issue/Description of System or Process

The OPI maintains a calendar with all reporting timelines designated and specific individuals are identified for ensuring each report is completed and submitted in accord with timelines. Division of Special Education staff, as appropriate, assist in providing report language and reviewing the documents for accuracy. The data manager holds primary responsibility for the collection and reporting of child count and discipline data. In addition, the data manager works closely with the programmer, as well as other personnel in the OPI to ensure the collection of personnel data includes all of the necessary components for special education reporting purposes. All reports submitted by LEAs are reviewed to ensure accuracy and completeness of reporting.

The assistant director of special education is primarily responsible for the completion and submission of the State Performance Plan and the Annual Performance Report. These reports are completed with the assistance of the data manager, legal services staff, the data research and analysis manager and program specialists. Reports are reviewed by the director and division staff prior to submission to ensure the information contained in each report is an accurate representation of the activities performed.

Baseline Data for FFY 2004 (2004-2005)

The OPI has consistently met designated timelines 100 percent of the time over the past four years. The data were reviewed and validation checks performed to ensure accuracy of the submitted data. When changes were necessary after reports had been submitted, revisions were promptly submitted.

Discussion of Baseline Data

The OPI continues to refine its data collection process. While there were no significant changes in state fiscal year 2004 to the way data was collected, the process is continually reviewed and, if necessary, revised to comply with collection requirements to streamline the process, and to ensure continued accuracy. LEAs are encouraged to provide input on the data collection processes and all constructive comments are considered when revisions to any process are made.

All special education data collections are now available to reporting entities over the Internet (Child Count has been collected on-line for four years). The data collections are secure, requiring assigned user names and passwords to access. Electronic web-based applications increase accuracy of the data collected by using validation checks built into the applications that make the reporting of incorrect data more difficult. The LEAs' increased familiarity with the applications adds to the accuracy of the data reported. The OPI provides several resources for each data collection that are available over the Internet and are updated every year. These include a comprehensive instruction manual for each application, on-line trainings either live or through video-on-demand, and a step-by-step video-on-demand training module that walks the user through the application from beginning to end. In addition, an OPI staff person is available to provide assistance to school districts throughout the reporting period.

The OPI implements electronic data collection systems which incorporate validation checks. In addition to the validation checks required at the LEA level when submitting data the OPI also conducts validation checks at the state level and follows up with the LEA if there appears to be a problem with the data. Data is never submitted to the OSEP without validations completed and data verified as correct by the LEAs. The data provided is as accurate as it can be without having a student-based information system.

The OPI will be implementing a new student information system, data warehouse and special education records and information system over the next two years. Once implemented, data will be collected from LEAs at the student level and will include all elements needed for reporting requirements of graduation, dropout, suspension/expulsion and race/ethnicity. This will markedly increase the accuracy of analysis of the data because all data will come from one system and be reported in a consistent manner. In addition, the system will include an electronic individualized education program (IEP) component (special education records and information system) that will provide special education data with the same level of accuracy. The OPI recognizes that there may be some change in the data provided by the old system and the new system. This will be addressed in the Annual Performance Report as it occurs.

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FFY	Measurable and Rigorous Target
2005 (2005-2006)	A. All reports will meet OSEP timelines 100% of the time. B. Reports submitted will be accurate 100% of the time.
2006 (2006-2007)	A. All reports will meet OSEP timelines 100% of the time. B. Reports submitted will be accurate 100% of the time
2007 (2007-2008)	A. All reports will meet OSEP timelines 100% of the time. B. Reports submitted will be accurate 100% of the time
2008 (2008-2009)	A. All reports will meet OSEP timelines 100% of the time. B. Reports submitted will be accurate 100% of the time
2009 (2009-2010)	A. All reports will meet OSEP timelines 100% of the time. B. Reports submitted will be accurate 100% of the time
2010 (2010-2011)	A. All reports will meet OSEP timelines 100% of the time.

Improvement Activities/Timelines/Resources

Improvement Activities	Timelines	Resources
All special education data collections continue to be available for electronic submittal over the Internet	Ongoing	
The OPI will implement a web-based SIS, DW and SERIMS	2006-2007/2007-08	OPI Staff Contractor
Technical assistance and training will be provided to LEAs to ensure they understand how to submit their data	Ongoing	OPI Staff